



**DARLINGTON**

Borough Council

# Cabinet Agenda

5.00 pm

Tuesday, 7 November 2023

Council Chamber, Town Hall, Darlington DL1 5QT

**Members and Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the meeting of this Cabinet held on 5 September 2023 (Pages 5 - 16)
5. Matters Referred to Cabinet –  
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –  
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.
7. Auditor's Annual Audit Letter 2020/21 – Report of the Group Director of Operations.  
(Pages 17 - 48)
8. Key Decision - Procurement Plan Update – Report of the Group Director of Operations.  
(Pages 49 - 62)
9. Special Free School at West Park, Darlington –  
Report of the Group Director of People and the Chief Executive.  
(Pages 63 - 74)

10. Renewal of Dog Public Space Protection Orders –  
Report of the Group Director of Services.  
(Pages 75 - 112)
11. Environmental Crimes - Fixed Penalty Notices – Report of the Group Director of Services.  
(Pages 113 - 120)
12. Housing Services Repairs and Maintenance Policy –  
Report of the Group Director of Operations.  
(Pages 121 - 142)
13. Delivery of New Homes at Neasham Road - Land Disposal and Nutrient Neutrality Credits  
– Report of the Chief Executive.  
(Pages 143 - 148)
14. Council Tax Changes to Empty Property Premiums from 2024-25 –  
Report of the Group Director of Operations.  
(Pages 149 - 160)
15. Council Tax Support - Scheme Approval 2024/25 –  
Report of the Group Director of Operations.  
(Pages 161 - 210)
16. Revenue Budget Monitoring 2023/24 - Quarter Two –  
Report of the Group Director of Operations.  
(Pages 211 - 226)
17. Project Position Statement and Capital Programme Monitoring - Quarter Two 2023/24 –  
Report of the Group Director of Services and the Director of Operations.  
(Pages 227 - 252)
18. Schedule of Transactions – Report of the Chief Executive.  
(Pages 253 - 256)
19. Membership Changes - To consider any Membership Changes to Other Bodies to which  
Cabinet appoints.
20. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are  
of an urgent nature and can be discussed at this meeting.
21. Questions.

#### **EXCLUSION OF THE PUBLIC AND PRESS**

22. To consider the exclusion of the Public and Press :- –  
**RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act  
1972, the public be excluded from the meeting during the consideration of the ensuing

items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A of the Act.

**PART III NOT FOR PUBLICATION**

A handwritten signature in black ink, appearing to read 'Luke Swinhoe', written in a cursive style.

**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Monday, 30 October 2023**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Curry, Harker, McCollom, McEwan, Porter, Dr. Riley, Roche and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Lynne Wood, Elections Manager, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays (e-mail [Lynne.Wood@darlington.gov.uk](mailto:Lynne.Wood@darlington.gov.uk) or telephone 01325 405803).

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**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE  
MONDAY 18 SEPTEMBER 2023**

**CABINET**

Tuesday, 5 September 2023

**PRESENT** – Councillors Harker (Chair), Curry, McCollom, McEwan, Porter, Roche and Wallis

**INVITEES** – Councillors Dulston and Snedker

**APOLOGIES** – Councillors Dr. Riley

**ALSO IN ATTENDANCE** – Councillors Henderson, Holroyd, Lawley and Mammolotti

**C31 DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

**C32 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minute C36(3) below, representations were made by a Member and members of the public in attendance at the meeting.

**C33 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON 3 JULY AND 11 AUGUST 2023**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 3 July and 11 August 2023.

**RESOLVED** – That the Minutes be confirmed as a correct record.

**REASON** – They represent an accurate record of the meeting.

**C34 MATTERS REFERRED TO CABINET**

There were no matters referred back for re-consideration to this meeting.

**C35 ISSUES ARISING FROM SCRUTINY COMMITTEE**

There were no issues arising from Scrutiny considered at this meeting.

**C36 KEY DECISIONS:-**

**(1) SCHOOL TERM DATES 2025/26**

The Cabinet Member with the Children and Young People Portfolio introduced the report of

the Group Director of People (previously circulated) requesting that consideration be given to setting school term date arrangements (also previously circulated) for Darlington maintained schools for the Academic Year 2025/26 and to publishing those arrangements by the end of September 2023.

The submitted report stated that following the circulation of the consultation papers to schools and governors and consultation with officers from Local Authorities across the North East and Yorkshire regions, a preferred term date model for the Academic Year 2025/26 was drafted; local authorities set the term dates for maintained schools and nurseries; the majority of academies and voluntary aided schools continued to follow the local authority published dates; 42 schools within Darlington, including academies and free schools, and their respective Governing Bodies, were consulted on the proposed school term dates; and that 33 responses were received to that consultation, all of which expressed their preference for the dates in the model calendar.

**RESOLVED** – That the proposed school term dates for Darlington maintained schools for the Academic Year 2025/26, as detailed at Appendix 1 to the submitted report, be agreed for publication.

**REASON** - The draft dates are the ones preferred by the majority of schools and Governing Bodies that responded to the consultation, which ended on 7 July 2023.

**(2) (URGENT ITEM) DOLPHIN CENTRE REPAIRS**

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Services (previously circulated) requesting that consideration be given to including further works to repair the toddler pool area and a retaining wall as part of the current Dolphin Centre Pool repairs project.

The submitted report stated that at the Special Cabinet meeting held on 11 August 2023 approval was given to progressing areas of work in the vicinity of the changing area; in securing the urgent approval from Cabinet the benefits secured from continuity of the current project were being progressed and the acceleration was advantageous from a financial, operational and customer perspective; and that the further areas had been identified that would also need to be considered on a similar basis, once the outcome of investigations had been completed.

It was reported that investigations into the toddler pool area and the retaining wall had been undertaken and a number of essential repairs had been identified; the benefits of undertaking those works as part of the current project would allow works to be undertaken in parallel, secure benefits from the continuity of the project and be advantageous from a financial, operational perspective; and that the approval of the further works would ensure as much of the works could be undertaken in parallel in as shorter period as possible to minimise the impact on customers and provide certainty going forward.

**RESOLVED** – (a) That the additional work, as identified in the submitted report, be approved.

(b) That a report be forwarded to Council to vary the Capital Budget for 2023/24 by £400,000 and release the capital to accelerate the repairs and undertake them as an

extension to the current project.

**REASONS** – (a) To allow all the essential works to be carried out, meaning the toddler pool will not have to be closed for repairs in 18 months and that the toddler pool can be reopened at the earliest opportunity.

(b) To address structural issues within the base of the retaining wall in the plant room.

(c) Undertaking all the works that have been identified as needing repair within two years as part of the current project could save cost increases arising from construction inflation and lost income of up to £200,000 when compared to re-starting a project in 18 months' time.

**(3) SKERNINGHAM GARDEN VILLAGE DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) updating Cabinet on the progress of Skerningham Garden Village Design Code Supplementary Planning Document (SPD) and requesting that consideration be given to the Draft SPD (also previously circulated) with the suggested amendments.

The submitted report stated that a requirement of the adopted Darlington Local Plan 2016/36 was for the Council to progress with the creation and adoption of a SPD based on a Design Code for Skerningham Garden Village; after the decision of Cabinet on 13 December 2022 (Minute C233/Dec/22 refers), the Skerningham Garden Village Design Code Draft SPD was formally consulted upon; 102 comments were received from 94 contributing consultees; two consultation processes had been undertaken which ensured stakeholders had had the opportunity to comment on the draft SPD; those comments were welcomed; and that the Design Code had been amended based on the comments received.

It was reported that the matter had been considered by Cabinet on 3 July 2023 (Minute C18/Jul/23) and that a further two amendments were suggested, which had been incorporated into the final Design Code; after the Cabinet Meeting on 3 July, the Council received correspondence which suggested the Design Code as previously recommended was in conflict with the Local Plan; after considering this further amendments were suggested to remove any perceived conflict; and that those amendments related mainly to the Bishopton Lane character area and the potential use of the land.

A Member and members of the public in attendance at the meeting addressed Cabinet on a number of issues, including the alignment of the relief road and whether it could be realigned to avoid the woodland; Barmpton Lane access road; the deletion of the golf club land from the plan and the impact of the loss of housing from that area on the remaining site; the design of the properties; whether the Design Code was a sound document which could be adopted by the Council and would be adhered to by the developers and builders of Skerningham Garden Village; and the importance of the document in the planning and master planning process. The Leader and the Cabinet Member with the Economy Portfolio responded thereon.

**RESOLVED** – (a) That the comments received from the consultation and the subsequent revisions that have been made to the Skerningham Garden Village Design Code SPD as

illustrated in Appendix 1 and Appendix 2 of the submitted report, be noted.

(b) That the Skertingham Garden Village Design Code SPD, as detailed in Appendix 3 of the submitted report, be approved, and be forwarded to Council at its meeting scheduled for 28 September 2023, for further consideration and a decision to be made on its adoption.

**REASON** - The approval of the document as Council Planning policy has gone through an extended consultation process with the wider public and statutory consultees. The document is fit and effective to be adopted as Council Policy complementing the Darlington Local Plan 2016/36.

### **C37 DISABLED FACILITIES GRANT 2023/24**

The Cabinet Member with the Adults Portfolio introduced the report of the Group Director of People (previously circulated) advising Members of the capital resources available for Disabled Facilities Grants (DFG's) during 2023/24 and requesting that consideration be given to the release of those resources, to be utilised in accordance with this Council's Disabled Facilities Grant and Regulatory Reform Order Policy 2022/25.

The submitted report stated that DFG's assisted people to live independently by helping to fund suitable adaptations to their properties; the grants were means tested and were available to owner-occupiers, tenants of private rented properties and Housing Association tenants; and DFG's were governed by housing legislation and had set conditions for payment, within those regulations.

It was reported that Durham County Council Home Improvement Agency service had been commissioned to provide support to individuals applying for a DFG and that the service included the completion of grant applications; seeking quotes for necessary works; selection of a suitable contractor; oversight of the works up to completion and payment of the grant; and to source charitable funding where the client was required to make a contribution to the costs of the work but was unable to do so.

**RESOLVED** – (a) That the allocation of £1,063,345, as detailed in the submitted report, to the Council to use for Disabled Facilities Grant adaptations in 2023/24, be noted.

(b) That the capital funding to enable the funding to be allocated in accordance with this Council's Disabled Facilities Grant and Regulatory Reform Order Policy 2022/25, be released.

**REASON** – To enable the adaptations for those individuals who are eligible to receive a DFT for 2022/23 to proceed.

### **C38 CLIMATE CHANGE UPDATE 2022/23**

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) providing Members with an update on progress towards the Council's net zero target for the financial year 2022/23.

The submitted report stated that following the Council's Climate Emergency Declaration in



July 2019 (Minute 19/Jul/19 refers), a Sustainability and Climate Change Lead Officer had been appointed; a Climate Change Strategy and an action plan had been produced and adopted; milestones had been developed and used by the Climate Change Officer to monitor progress; and that a trajectory of 30 per cent reduction in the Council's emission every five years had been agreed. The Council's emissions for 2022/23 were 6,461 tonnes/CO<sub>2</sub>.. which were made up of the energy use in council buildings; business mileage; fleet emissions; and streetlighting and signs. The emissions from the supply chain were not currently measured but a report from an external consultant into supply chain emissions had been commissioned.

It was reported that the Sustainable Darlington webpage and Sustainability and Climate Change intranet page had been updated and would be used to share information with residents and staff and that it was planned to include a youth tab on the Sustainable Darlington page, working with young people to produce content.

Particular reference was made to the amendment to the climate change declaration to bring the target forward by ten years to 2040 and how it planned to reach that target.

**RESOLVED** – That the report be noted and forwarded to Full Council.

**REASON** - With increasing public pressure to take action on climate change, we run the risk of significant damage to our reputation if we do not deliver on our stated commitment to dealing with the Council's contribution to climate change.

### **C39 DELIVERY OF NEW HOMES AT NEASHAM ROAD - SITE A**

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to this Council paying the Neasham Road Joint Venture (JV) Ltd an uplift in building costs impacting on 17 dwellings, as a result of revisions to Part L and Part F of the Building Regulations.

The submitted report stated that approval had been given to establish a new Joint Venture Company (JVC) between Esh Homes Ltd and the Council (Minute C29/Sep/20 refers); the Neasham Road JV Ltd, had provided the infrastructure to open up the site at Neasham Road and build and sell homes on parts of the site; and that the development of 155 new homes on Site A was well underway.

It was reported that at the time contracts were completed with the Neasham Road JV Ltd to start on site building out Site A, there were future changes anticipated in respect of Part L and Part F of the Building Regulations; it was not clear as to when those changes would be introduced and what the financial implication would be; if an allowance had been made for those anticipated costs at the time of entering into contracts, the deductions would have been significant; and that mitigation measures had subsequently been undertaken by the Neasham Road JV Ltd to minimise the liability.

Reference was made at the meeting to whether a review of other Joint Ventures had been undertaken in respect of the changes to Part L and Part F of the Building Regulations and whether the retail price of the 17 properties would be amended. The Cabinet Member with the Resources Portfolio responded thereon.

**RESOLVED** - That the payment to Neasham Road Joint Venture Limited of the uplift in building costs in respect of Part L and Part F Building Regulations, as detailed in Appendix 2 of the submitted report, be approved.

**REASON** - To ensure that Neasham Road JV Ltd are reimbursed for the costs associated with complying with Building Regulations.

#### **C40 COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2022/23**

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive, Group Director of Operations, Group Director of People and the Group Director of Services (previously circulated) providing Cabinet with the 2022/23 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children's Social Care, Corporate, Housing and Public Health (all also previously circulated).

The submitted report stated that in 2022/23 a total number of 709 complaints had been received, a decrease from 739 in 2021/22, an increase from 629 in 2020/21, but lower than the pre-pandemic levels of 838 in 2019/20; 202 compliments had been received, a decrease from 217 in 2020/21, 309 in 2020/21 and 292 in 2019/20; and 112 comments had been received, a decrease from 127 in 2021/22, 178 in 2020/21 and 168 in 2019/20.

**RESOLVED** - (a) That the content of the Adult Social Care, Children's Social Care, Corporate, Housing and Public Health Complaints, Compliments and Comments Annual Reports, all as appended the submitted report, be noted.

(b) That the further recommendations, as detailed in the Corporate, Children Social Care and Housing Complaints, Compliments and Comments Annual Reports, as appended to the submitted report, be endorsed.

**REASONS** - (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning.

(b) To ensure the Council was:

- (i) complying with the Children Act 1989 Representation Procedure (England) Regulations 2006;
- (ii) complying with the Housing Ombudsman's Complaint Handling Code;
- (iii) complying with the Corporate Complaints, Compliments and Comments Procedure;
- (iv) complying with the Housing Complaints, Compliments and Comments Procedure; and
- (v) to improve satisfaction with complaints handling.

#### **C41 COMPLAINTS MADE TO LOCAL GOVERNMENT OMBUDSMAN**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing an update of the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) since the preparation of the previous report to Cabinet on 6 December 2022 (Minute C221/Dec/22 refers).

The submitted report set out in abbreviated form the decisions reached by the LGSCO and the HOS between 1 April 2022 and 30 September 2022 and outlined the actions taken as a result of those complaints.

It was reported that the LGSCO's Annual Review Letter 202/232 (also previously circulated), focused on three key areas to help assess the Council's commitment to putting things right.

**RESOLVED** – That the report be noted.

**REASONS** – (a) It is important that Members are aware of the outcome of complaints made to the LGSCO and the HOS in respect of the Council's activities.

(b) The contents of the submitted report do not suggest that further action, other than detail in the submitted report, is required.

#### **C42 ANNUAL REVIEW OF THE INVESTMENT FUND**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) updating Cabinet on progress against the agreed investments being funded through the Investment Fund.

The submitted report stated that in November 2016 the Council established an Investment Fund to be used for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the low returns on investment; the fund provision of £50m was being utilised as envisaged in the original reports to Council to include Joint Venture (JV) vehicles and economic regeneration initiatives; returns on JV's were anticipated to be over £6.7m; three of the JV schemes had completed with the investment fully repaid and recycled back into the fund; and that the Investment Fund was currently funding ten schemes.

Particular references were made at the meeting to the repayment of the loan by Market Asset Management (MAM) Ltd.; bringing the Market back into Council ownership; and requesting that consideration be given to improving Social Value in JV developments. The Cabinet Member with the Resources Portfolio and the Economy Portfolio responded thereon.

**RESOLVED** - That the use of the Investment Fund and the returns achieved through the joint venture vehicles, as detailed in the submitted report, be noted.

**REASONS** –(a) To keep Cabinet informed of progress made on opportunities undertaken and investment returns.

(b) To increase development opportunities and income for the Council.

#### **C43 REGULATORY INVESTIGATORY POWERS ACT 2000 (RIPA)**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) informing and updating Members on issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and developments that have taken place since the last report to Cabinet in March 2023 (Minute C270/Mar/23 refers) and requesting that consideration be given to the RIPA Policy (also previously circulated).

The submitted report stated that the RIPA Act 2000 enabled local authorities to carry out certain types of surveillance activity as long as specified procedures were followed; the Investigatory Powers Act 2016 (IPA) was the main legislation governing the acquisition of communications data; the information obtained could be relied upon in court proceedings providing RIPA and IPA was complied with; and that no RIPA directed surveillance applications or IPA communications data applications had been authorised since the last report to Cabinet.

It was reported that Paragraph 4.47 of the Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018, required each local authority to set the RIPA Policy at least once a year. It had last been reviewed in September 2022 (Minute C184/Sep/22 refers).

**RESOLVED** – (a) That the issues raised, as detailed in the submitted report, be noted.

(b) That the Regulatory of Investigatory Powers Policy, as appended to the submitted report, be approved.

(c) That further reports on the use of Regulation of Investigatory Powers (RIPA) and Investigatory Powers (IPA) and associated issues, be submitted to future meetings of Cabinet.

**REASONS** – (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.

(b) As stated in the Home Office Code of Practice, the RIPA Policy should be approved by Members on an annual basis.

(c) To help in giving transparency about the use of RIPA and IPA in the Council.

#### **C44 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER ONE 2023/24**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations and the Group Director of Services (previously circulated) providing a summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; an update on the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to the programme.

The submitted report stated that the projected outturn of the current Capital Programme was £296.406m against an approved programme of £296.697m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable within the Medium Term Financial Plan (MTFP) for 2023/24 to 2026/27; the Council had 43 live projects, with an overall projected outturn value of £167.347m, the majority of which were running to time, cost and quality expectations, but were being monitored given the current pressures on resources in the construction sector nationally; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants source via an open/OJEU tender process.

In presenting the report, the Cabinet Member with the Resources Portfolio stated that a review had been undertaken on the West Cemetery Development project which was overspent and outlined the lessons learnt.

**RESOLVED** - (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 23 of the submitted report, be approved.

**REASONS** - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

#### **C45 REVENUE BUDGET MONITORING 2023/24 - QUARTER ONE**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing an early forecast of the 2023/24 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that it was the first revenue budget management report to Cabinet for 2023/24 and that the latest projections showed an overall decline of £0.773m on the 2023/27 Medium Term Financial Plan, which was due to £2.167m of departmental pressures, offset by £1.2m of resources returned to reserves; £0.509m of additional balances following the 2022/23 outturn; and a decline in corporate reserves of £0.315m.

Particular reference was made at the meeting to when the Medium Term Financial Plan would be reviewed. The Leader and the Cabinet Member with the Resources Portfolio responded thereon.

**RESOLVED** - (a) That the forecast revenue outturn for 2023/24, as detailed in the submitted report, be noted.

(b) That further regular reports be made to monitor progress and take prompt action if necessary.

**REASONS** - (a) To continue effective management of resources.

(b) To continue to deliver services to agreed levels.

**C46 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2022/23**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; treasury activity for 2022/23; and seeking approval of the Prudential Indicator results for 2022/23 in accordance with the Prudential Code.

It was reported that the financial year 2022/23 was yet another unprecedented year with regard to treasury management due to a number of issues including the invasion of Ukraine, the cost of living increases, and inflation; the cost of borrowing had been rising steadily throughout 2022/23; although the returns for cash investments had increased to higher interest rates they still remained below the cost of borrowing; and that the Council had complied with its legislative and regulatory requirements.

The submitted report summarised the capital expenditure and financing for 2022/23; the Council's overall borrowing need; the Treasury position as at 31 March 2023; prudential indicators and compliance issues; the economic background for 2022/23 treasury management activity during 2022/23; investment position; and performance and risk benchmarking.

It was also reported that the Council's treasury management activity during 2022/23 had been carried out in accordance with the Council policy and within legal limits; financing costs had been reduced during the year; and a saving of £0.194m had been achieved from the original Medium-Term Financial Plan.

**RESOLVED** - (a) That the outturn 2022/23 Prudential Indicators, as detailed within the submitted report and in Appendix 1, be noted.

(b) That the Treasury Management Annual Report for 2022/23, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2022/23 Prudential Indicators to be noted.

**REASONS** - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the Performance of the Treasury Management function.

(c) To comply with the requirements of the Local Government Act 2003.

**C47 SCHEDULE OF TRANSACTIONS**

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the Schedule of Transactions (also previously circulated).

**RESOLVED** – That the Schedule of Transactions, as detailed in the appendix to the submitted report, be approved, and the transactions be completed on the terms and conditions detailed therein.

**REASONS** – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

**C48 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.**

**RESOLVED** – (a) That the Chair of the Health and Well Being Board be appointed to the Integrated Care Partnership Tees Valley and that Councillor Layton be appointed as the named substitute.

(b) That the Cabinet Member with the Children and Young People’s Portfolio be appointed to the Darlington Young People’s Engagement and Justice Service Board and that Councillor Kane be appointed as the named substitute.

**C49 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-**

**DECISIONS DATED –  
FRIDAY 8 SEPTEMBER 2023**

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**CABINET  
7 NOVEMBER 2023**

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## **AUDITOR'S ANNUAL REPORT 2020/21**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -  
Elizabeth Davison, Group Director of Operations**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To present the Auditor's Annual Report and Auditor's Certificate for 2020/21

#### **Summary**

2. The Auditors Annual Report (Appendix 1) provides a high level summary of the results from the 2020/21 audit work undertaken by Ernst and Young LLP (EY), the Council's external auditors, for the benefit of Members and other interested stakeholders.
3. The Report and Certificate (Appendix 2) confirm the Council's accounts give a true and fair view for the year ending 31 March 2021 and that the Council have put in place proper arrangements to secure value for money in its use of resources.

#### **Recommendation**

4. It is recommended that the Auditor's Annual Report and Auditor's Certificate be noted.

#### **Reasons**

5. The recommendation is supported to enable Cabinet to receive the results of external audit work carried out.

**Elizabeth Davison  
Group Director of Operations**

#### **Background Papers**

Audit Committee Report September 2023

Audit Results Report Year ended 31 March 2021

Brett Nielsen : Extension 5403

S17 Crime and Disorder	There are no specific crime and disorder implications in this report.
Health and Wellbeing	There are no issues relating to health and wellbeing which this report needs to address.
Carbon Impact and Climate Change	There are no specific carbon impact issues in this report.
Diversity	The report does not contain any proposals that impact on diversity issues.
Wards Affected	All wards are affected.
Groups Affected	No specific groups are particularly affected.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	The report does not require a key decision.
Urgent Decision	The report does not require an urgent decision.
Council Plan	There is no specific relevance to the plan beyond a reflection on the Council's governance arrangements.
Efficiency	The External Auditors concluded that the Council had put in place proper arrangements to secure value for money in its use of resources.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers



**Darlington Borough Council**

**Auditor's Annual Report  
Year ended 31 March 2021**

14 August 2023



Building a better  
working world

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<b>Appendix 1 – Fees</b>	<b>23</b>

Public Sector Audit Appointments Ltd (PSAA) issued the "Statement of responsibilities of auditors and audited bodies". It is available from the PSAA website (<https://www.psaa.co.uk/audit-quality/statement-of-responsibilities/>). The Statement of responsibilities serves as the formal terms of engagement between appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The "Terms of Appointment and further guidance (updated July 2021)" issued by the PSAA sets out additional requirements that auditors must comply with, over and above those set out in the National Audit Office Code of Audit Practice (the Code) and in legislation, and covers matters of practice and procedure which are of a recurring nature.

This report is made solely to the Audit and Standards Committee and management of Darlington Borough Council in accordance with the statement of responsibilities. Our work has been undertaken so that we might state to the Audit and Standards Committee and management of Darlington Borough Council those matters we are required to state to them in this report and for no other purpose. To the fullest extent permitted by law we do not accept or assume responsibility to anyone other than the Audit and Standards Committee and management of Darlington Borough Council for this report or for the opinions we have formed. It should not be provided to any third party without our prior written consent.

Our Complaints Procedure – If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with your usual partner or director contact. If you prefer an alternative route, please contact Hywel Ball, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.

A close-up portrait of a woman's face, focusing on her eyes and nose. The image is partially obscured by a bright yellow rectangular overlay on the left side. The woman has light brown hair and green eyes.

Section 1

## **Executive Summary**

## Executive Summary: Key conclusions from our 2020/21 audit

Area of work	Conclusion
<b>Opinion on the Council's:</b>	
Financial statements	Unqualified – the financial statements give a true and fair view of the financial position of the Council as at 31 March 2021 and of its expenditure and income for the year then ended. The financial statements have been prepared properly in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 as amended by the Update to the Code and Specifications for Future Codes for Infrastructure Assets (November 2022) . We issued our auditor's report on 25 July 2023.
Going concern	We have concluded that the S151 Officer's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.
Consistency of the Narrative Report and other information published with the financial statements	Financial information in the Narrative Report and published with the financial statements was consistent with the audited accounts.

Area of work	Conclusion
<b>Reports by exception:</b>	
Value for money (VFM)	We had no matters to report by exception on the Council's VFM arrangements. We have included our VFM commentary in Section 4 of this report.
Consistency of the Annual Governance Statement	We were satisfied that the Annual Governance Statement was consistent with our understanding of the Council.
Public interest report and other auditor powers	We had no reason to use our auditor powers.

# Executive Summary: Key conclusions from our 2020/21 audit

As a result of the work we carried out we have also:

Outcomes	Conclusion
Issued a report to those charged with governance of the Council communicating significant findings resulting from our audit.	We issued an Audit Results Report (ARR) dated 8 April 2022 to the Audit Committee, when work was outstanding on infrastructure assets. We updated the ARR in July 2023 at the completion of the audit.
Issued a certificate that we have completed the audit in accordance with the requirements of the Local Audit and Accountability Act 2014 and the National Audit Office's 2020 Code of Audit Practice.	We certify that we have completed the audit of the accounts of Darlington Borough Council in accordance with the requirements of the Local Audit and Accountability Act 2014 and the Code of Audit Practice issued by the National Audit Office. The certificate has been issued on 14 August 2023.

## Fees

We carried out our audit of the Council's financial statements in line with PSAA Ltd's "Statement of Responsibilities of auditors and audited bodies" and "Terms of Appointment and further guidance (updated July 2021)". As outlined in the Audit Results Report, we were required to carry out additional audit procedures to address audit risks in relation to the valuation of property, plant and equipment (including the infrastructure issue), the going concern assessment and disclosures, EY internal consultation on the audit report, revised auditing standard for estimates which meant more work was necessary on the pensions disclosures, and accounting for Covid-19 related grants. As a result, we propose an associated additional fee to be agreed with the S151 Officer and will be determined by PSAA. We include details of the audit fees in Appendix 1.

We would like to take this opportunity to thank the Council's staff for their assistance during the course of our work.

Caroline Mulley

Partner  
For and on behalf of Ernst & Young LLP

Section 2

## Purpose and responsibilities



# Purpose and responsibilities

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This report summarises our audit work on the 2020/21 financial statements.

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## **Purpose**

The purpose of the auditor's annual report is to bring together all of the auditor's work over the year. A core element of the report is the commentary on VFM arrangements, which aims to draw to the attention of the Council or the wider public relevant issues, recommendations arising from the audit and follow-up of recommendations issued previously, along with the auditor's view as to whether they have been implemented satisfactorily.

## **Responsibilities of the appointed auditor**

We have undertaken our 2020/21 audit work in accordance with the Audit Plan that we issued on 14 July 2021. We have complied with the NAO's 2020 Code of Audit Practice, International Standards on Auditing (UK), and other guidance issued by the NAO.

As auditors we are responsible for:

Expressing an opinion on:

- The 2020/21 financial statements;
- Conclusions relating to going concern; and
- The consistency of other information published with the financial statements, including the annual report.

Reporting by exception:

- If the governance statement does not comply with relevant guidance or is not consistent with our understanding of the Council;
- If we identify a significant weakness in the Council's arrangements in place to secure economy, efficiency and effectiveness in its use of resources; and
- Any significant matters that are in the public interest.

## **Responsibilities of the Council**

The Council is responsible for preparing and publishing its financial statements, Narrative Report and Annual Governance Statement. It is also responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Section 3

# Financial Statement Audit



# Financial Statement Audit

## Key issues

We issued an unqualified audit opinion on the Council's 2020/21 financial statements.

The Annual Report and Accounts is an important tool for the Council to show how it has used public money and how it can demonstrate its financial management and financial health.

On 25 July 2023, we issued an unqualified opinion on the financial statements. We reported our detailed findings to the 26 April and 19 July 2023 Audit Committee meeting. We outline below the key issues identified as part of our audit, reported against the significant risks and other areas of audit focus we included in our Audit Plan.

Significant risk	Conclusion
<p><b>Misstatements due to fraud or error - management override of controls</b></p> <p>An ever-present risk that management is in a unique position to commit fraud because of its ability to manipulate accounting records directly or indirectly, and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively.</p>	<p>Our audit work found no evidence that management had attempted to override internal controls. We have not identified any instances of inappropriate judgements being applied.</p> <p>We did not identify any other transactions during our audit which appeared unusual, or outside the Council's normal course of business. This conclusion is based on detailed testing of accounts entries susceptible to potential manipulation.</p>
<p><b>Risk of fraud in revenue and expenditure recognition - Inappropriate capitalisation of expenditure</b></p> <p>Under ISA 240 there is a presumed risk that revenue may be misstated due to improper revenue recognition. In the public sector, this requirement is modified by Practice Note 10 issued by the Financial Reporting Council, which states that auditors should also consider the risk that material misstatements may occur by the manipulation of expenditure recognition. We have identified an opportunity and incentive to capitalise expenditure under the accounting framework, to remove it from the general fund.</p>	<p>Our testing did not identify any material misstatements from inappropriate capitalisation of revenue expenditure.</p> <p>Overall our audit work did not identify any material issues or unusual transactions to indicate any misreporting of the Council's financial position.</p> <p>We did not identify any material weaknesses in controls or evidence of material management override.</p>

Continued over.

## Financial Statement Audit (continued)

Significant risk	Conclusion
<p><b>Risk of fraud in revenue and expenditure recognition - Accounting for Covid-19 related grant funding</b></p> <p>Government provided new and different Covid-19 related grants during the year. Funds have also been provided for the Council to pass to other bodies. While there is no change in the CIPFA Code or accounting standard (IFRS 15) on accounting for these, the emergency nature of some grants and in some cases, the lack of clarity on any restrictions and conditions, means that the Council had to apply more judgement to determine the appropriate accounting treatment. The Council had to assess whether it was acting as a principal or agent. Where the decision is as a principal, it also had to assess whether there were any initial conditions affecting recognition as revenue during 2020-21</p>	<p>We reviewed the Council's decision for new grant or funding arrangements as to whether it is acting as principal or agent. We reviewed whether any initial conditions are attached to grants affecting their recognition. We assessed whether the accounting appropriately follows those judgements. We tested that the Council has adequately disclosed grant income received in the year, under both principal and agent arrangements.</p> <p>The results of testing of grant income did not identify any material issues, but we noted that:</p> <ul style="list-style-type: none"> <li>Grant income –credit to services within our sample we noted £38,100 being invoicing re 19/20, this was in part due to delays in completion of assessments for respite care income. These differences arose within our representative statistical sampling and therefore are projected over the remaining population giving a projected difference of £740,000 which is above our group reporting threshold and so included on our summary of audit differences, however it is not material to total income.</li> <li>Our testing of Covid-19 grant income did not identify any material issues.</li> </ul>
Other area of audit focus	Conclusion
<p><b>Valuation of land and buildings</b></p> <p>Land and buildings is the most significant balance in the Trust's balance sheet. The valuation of land and buildings is complex and is subject to a number of assumptions and judgements. A small movement in these assumptions can have a material impact on the financial statements.</p>	<p>We focused on aspects of the land and buildings valuation which could have a material impact on the financial statements, primarily:</p> <ul style="list-style-type: none"> <li>harder to value assets – such as assets which are valued on a depreciated replacement cost basis;</li> <li>the assumptions and estimates used to calculate the valuation; and</li> <li>changes to the basis for valuing the assets.</li> </ul> <p>During our subsequent events testing, we identified that new information was available in respect of the valuation of Council Dwellings at 31 March 2021, following testing of the information and agreement with management, an adjustment has been recorded to increase the value presented in the financial statements by £8m.</p> <p>We did not identify any material misstatements in the values for Investment Properties.</p>

Continued over.

## Financial Statement Audit (continued)

Other area of audit focus	Conclusion
<p><b>Pension Liability valuation</b></p> <p>The Pension Fund /liability is a material balance in the Balance Sheet. Accounting for this scheme involves significant estimation and judgement and therefore management engages an actuary to undertake the calculations on their behalf. ISAs (UK and Ireland) 500 and 540 require us to undertake procedures on the use of management experts and the assumptions underlying fair value estimates.</p>	<p>We agreed the Authority's pension liability disclosures to the actuarial report and reviewed our pensions advisory team's review of work carried out by PwC (Consulting Actuaries commissioned by the NAO for all LG sector auditors).</p> <p>As part of the revised ISA 540 requirements, we asked our specialist pension team to reconcile the 2019-20 pension liability figure to 2020-21, recalculating the figures rolled forward as a sense check against the actuary's figures. The team confirmed that this corroborated the actuary: EY's recalculation gave a difference below 2%, i.e. within an acceptable range.</p> <p>During the subsequent events period the actuarial triennial valuation for 2022 was published for the scheme. We were required to consider this work as part of our audit of the 2020-21 &amp; 2021-22 financial statements, as the IAS19 disclosures in the financial statements utilise membership data from the previous triennial valuation (2019) and a material movement in membership data could give rise to a material change required to the IAS19 figures presented. The IAS19 figures have been recalculated for 2021-22 and did show a material change in membership. Management has been providing evidence to support the fact that the main element of increase in members occurred in the 2021-22 financial year and therefore that no adjustment to the IAS19 figures in 2020-21 is required.</p>
<p><b>Going concern disclosures</b></p> <p>The Council is required to carry out an assessment of its ability to continue as a going concern for the foreseeable future, being at least 12 months after the date of the approval of the financial statements. There is a risk that the Council's financial statements do not adequately disclose the assessment made, the assumptions used and the relevant risks and challenges that have impacted the going concern period.</p>	<p>We challenged management's identification of events or conditions affecting going concern as we reviewed its assessment.</p> <p>We evaluated the risk of management bias, as we considered all the evidence (whether corroborative or contradictory).</p> <p>We considered the appropriateness of financial statement disclosures around going concern.</p> <p>Because of Covid-19 we performed additional detailed work over the Council's assessment of Going Concern in our 2019/20 audit. For 2020/21, the change in ISA did not increase our work beyond that performed in 2019/20.</p> <p>We have no issues to raise in this area.</p>

Continued over.

## Financial Statement Audit (continued)

Other area of audit focus	Conclusion
<p><b>Infrastructure assets</b></p> <p>This was a national issue arising from the widespread practice of not derecognising infrastructure assets appropriately. After a period of consultation, DLUHC and CIPFA identified a solution which took effect from 25 December 2022 with guidance issued in January 2023.</p>	<p>The Council has decided to use the simpler option of disclosing the net book value of infrastructure assets, and we have reviewed these disclosures in the light of the recent guidance and the work done by the Finance team. We had no issues to report</p> <p>We draw to the Council's attention that this approach is only allowed on a temporary basis, up to the financial year 2024-25. After this, bodies will be expected to account for infrastructure valuation in the standard way: but this allows time for them to be able to do this.</p>

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**ISA 540 (Revised)** - Auditing Accounting Estimates and Related Disclosures applies to audits of all accounting estimates in financial statements for periods beginning on or after December 15, 2019.

It responds to changes in financial reporting standards and a more complex business environment, which have increased the importance of accounting estimates to the users of financial statements and introduced new challenges for preparers and auditors.

The changes could affect the nature and extent of information requested and increase the audit work needed, particularly where an accounting estimate and related disclosures are higher risk. This could include:

- increased challenge of how you arrive at your accounting estimates
- more focused requests for evidence or more targeted procedures relating to components of accounting estimates, including the methods or models used, assumptions made or how disclosures around uncertainty have been made, depending on our assessment of where the inherent risk lies.

In our audit of the financial statements for 2020/21, the revised standard affected the level of work we performed on property and pension valuations as well as the assessment of the NDR provision.

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Continued over.

## Financial Statement Audit (continued)

### Audit differences

We identified a small number of misstatements in disclosures which management corrected. However, management did not adjust for two items in our findings, a £116K net overstatement of the PFI liability (an unwinding of prior year issues), and an overstatement of income by £740K (income reported in 2020/21 which related to 2019/20).

### Our application of materiality

When establishing our overall audit strategy, we determined a magnitude of uncorrected misstatements that we judged would be material for the financial statements as a whole.

Item	Thresholds applied
<b>Planning materiality</b>	We determined planning materiality to be £5.1m as 2% of gross revenue expenditure reported in the accounts. We consider gross revenue expenditure to be one of the principal considerations for stakeholders in assessing the financial performance of the Council.
<b>Reporting threshold</b>	We agreed with the Audit Committee that we would report to the Committee all audit differences exceeding £250K.

We also identified the following areas where misstatement at a level lower than our overall materiality level might influence the reader. For these areas we developed an audit strategy specific to these areas. The areas identified and audit strategy applied include:

- ▶ Cash/bank balance: We audited all disclosures and undertook procedures to confirm material completeness
- ▶ Related party transactions. We audited all disclosures and undertook procedures to confirm material completeness

Section 4

## Value for Money



# Value for Money (VFM)

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We did not identify any risks of significant weaknesses in the Council's VFM arrangements for 2020/21.

## Scope and risks

We have complied with the NAO's 2020 Code and the NAO's Auditor Guidance Note in respect of VFM. We confirmed our final VFM risk assessment to the 19 July 2023 Audit Committee meeting, which was based on a combination of our cumulative audit knowledge and experience, our review of Council and committee reports, meetings with officers and evaluation of associated documentation through our regular engagement with management and the finance team. We reported that we had not identified any risks of significant weaknesses in the Council's VFM arrangements for 2020/21.

## Reporting

We completed our planned VFM arrangements work in April 2023 and did not identify any significant weaknesses in the Council's VFM arrangements. As a result, we had no matters to report by exception in the audit report on the financial statements.

## VFM Commentary

In accordance with the NAO's 2020 Code, we are required to report a commentary against three specified reporting criteria:

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We had no matters to report by exception in the audit report.

- Financial sustainability  
How the Council plans and manages its resources to ensure it can continue to deliver its services;
- Governance  
How the Council ensures that it makes informed decisions and properly manages its risks; and
- Improving economy, efficiency and effectiveness:  
How the Council uses information about its costs and performance to improve the way it manages and delivers its services.

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Our VFM commentary highlights relevant issues for the Council and the wider public.

## Introduction and context

The 2020 Code confirms that the focus of our work should be on the arrangements that the audited body is expected to have in place, based on the relevant governance framework for the type of public sector body being audited, together with any other relevant guidance or requirements. Audited bodies are required to maintain a system of internal control that secures value for money from the funds available to them whilst supporting the achievement of their policies, aims and objectives. They are required to comment on the operation of their governance framework during the reporting period, including arrangements for securing value for money from their use of resources, in a governance statement.

We have previously reported the VFM work we have undertaken during the year including our risk assessment. The commentary below aims to provide a clear narrative that explains our judgements in relation to our findings and any associated local context.

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The Council has had the arrangements we would expect to see to enable it to plan and manage its resources to ensure that it can continue to deliver its services.

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For 2020/21, the significant impact that the Covid-19 pandemic has had on the Council has shaped decisions made, how services have been delivered and financial plans have necessarily had to be reconsidered and revised.

We have reflected these national and local contexts in our VFM commentary.

## Financial sustainability

For 2020/21 the Authority had the expected arrangements in place to plan and manage its resources to ensure it can continue to deliver services.

*How the body ensures that it identifies all the significant financial pressures that are relevant to its short and medium-term plans and builds these into them*

Finance staff work with Service managers to identify any potential pressures/savings over the next four years at budget setting time (also reviewing any pressures/savings previously identified), agreed by the relevant Assistant Director/Director and then these are collated by the Corporate Finance Manager and presented to COE, who review and challenge. Numerous iterations are brought back to COE until they are satisfied that the pressures/savings show a true representation of the potential for the foreseeable future.

Costings and business plans are required to substantiate pressures/savings. To underpin all of the above the Council does continuous budget management to identify any pressures/savings at an early stage and these are presented to Cabinet on a quarterly basis with appropriate action taken.

The Council proactively monitors and amends the budget where considered necessary.

## **Financial sustainability (continued)**

### *How the body plans to bridge its funding gaps and identifies achievable savings*

Savings and pressures are identified in an holistic approach. Resources are identified and projected based on intelligence gathered and forecast numbers i.e. council tax is calculated on the existing taxbase with relevant projections of new housebuilding (from Planners) and previously agreed council tax increases. External consultants (LG Futures) help predict potential changes in resources going forward i.e. NNDR changes through a reset, changes to new homes bonus etc.

Central government provided significant recurring grants (and one-off grants) to DBC during 2020/21 to support the additional costs associated with Covid-19.

The Council's projected revenue reserves at the end of 2020-21 were £22.306m, £2.943m higher than the initial 2020-24 medium-term financial plan (MTFP) position and including a brought forward £0.274m from 2019-20 and the rebasing exercise of £0.897m.

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The Council has had the arrangements we would expect to see to enable it to plan and manage its resources to ensure that it can continue to deliver its services.

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Of the £22.306m projected reserves, there is a risk reserve balance of £4.350m and a commitment to use £11.330m to support years 2 – 4 of the current MTFP, which leaves a funding surplus of £6.626m. However there will be ongoing pressures leading to a full review of the MTFP in 2021/22. While significant, it is due to unforeseen costs associated with Covid-19 and is consistent with Councils across the country. The Council managed this position and were able to still forecast a surplus at year end despite the added pressures.

### *How the body plans finances to support the sustainable delivery of services in accordance with strategic and statutory priorities*

When establishing its MTFP the Council adopts a risk-based approach looking at relevant external factors, e.g. changes in government policy, the state of the economy and the impact on demand for services.

The Council maintains a corporate risk register. This contains the risks influenced by external factors and arising from outside the Council: also internal risks which can stem from normal operations and may affect the achievement of the Council's priorities.

To arrive at an overall risk rating, a risk matrix is used based on the impact of the risk and its likelihood. Once the rating is determined an action plan identifying further mitigating action is put together.

The risks identified are in line with our expectations of both the client and the sector's risks, many of which relate to the Covid-19 pandemic. The identification of such risks is clear and the Council has sufficient arrangements to mitigate the impacts of these risks to ensure sustainable delivery of services.

## Financial sustainability (continued)

*How the body ensures that its financial plan is consistent with other plans such as workforce, capital, investment, and other operational planning which may include working with other local public bodies as part of a wider system*

The MTFP is under the same directorship as the workforce, capital, investment and operational planning ensuring consistency across the board. The capital strategy incorporates the capital programme and is embedded with the investment strategy plan, being part of the Treasury Management Strategy. All plans are presented to Cabinet for member scrutiny as well as being included in the normal committee cycle, where each report is signed off by a finance (if any financial implications) and legal representative before being checked by the relevant AD and Director. The Chief Officers' Board (COB) of all assistant directors meets every week, and all these plans will be discussed as appropriate to ensure consistency with the Council's vision and fitness for purpose. The management team (all Council Directors) also meets independently of COB to discuss strategic direction. The Director of Operations has regular scheduled meetings with other Directors of Resources in the Tees Valley where common aims are discussed and agreed and best practice shared.

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The Council has had the arrangements we would expect to see to enable it to plan and manage its resources to ensure that it can continue to deliver its services.

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*How the body identifies and manages risks to financial resilience, e.g. unplanned changes in demand, including challenge of the assumptions underlying its plans.*

The Council has a (costed) risk reserve that identifies potential changes in demand: as there is continual budget management, any changes or inherent risks are identified at an early stage so that appropriate action can be taken and to ensure that they can be built into future plans.

Due to the significant disruption to normal activity from the pandemic, there is recognition within the sector that operations have been difficult to predict for 2020/21. Management has closely monitored outturn throughout 2020/21 and based financial plans for the second half of the year on an expectation of second, third and even fourth waves of COVID. Given the extreme circumstances in which the entity was operating, management's more cautious approach during 2020/21 is not considered to be a significant weakness in arrangements, but rather a reflection of the fact the entire sector has spent most of the year in 'crisis management' mode.

## **Governance**

*How the body monitors and assesses risk and how the body gains assurance over the effective operation of internal controls, including arrangements to prevent and detect fraud*

The Council has a comprehensive risk register that is facilitated by the Complaints and information Governance Manager who liaises with all Groups and produces a Corporate risk register as well as individual group matrices - the results are presented to Audit Committee on an annual basis with the Risk Management strategy going to Cabinet. The Council has an Internal Audit Section (a shared service with Stockton Borough Council) with a comprehensive risk based audit approach to all of the services in Darlington with results reported to Audit committee on a quarterly basis.

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The Council has had the arrangements we would expect to see to enable to make informed decisions and properly manage its risks.

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Due to the significant disruption to normal activity from the pandemic, there is recognition within the sector that operations have been difficult to predict for 2020/21. Management have closely monitored outturn throughout 2020/21 and based financial plans for the second half of the year on an expectation of second, third and even fourth waves of COVID. Given the extreme circumstances in which the entity has been operating, management's more cautious approach during 2020/21 is not considered to be a significant weakness in arrangements, but rather a reflection of the fact the entire sector has spent most of the year in 'crisis management' mode.

*How the body approaches and carries out its annual budget setting process*

The Council starts its budget setting cycle early (July) with Finance officers liaising with service managers and reviewing the previous year's performance, as well as the current MTFP budgets, before identifying any potential future pressures/savings. A set of guidance notes is produced by corporate finance to ensure a consistent approach. Any pressures/savings are identified early so that COE can review them to ascertain their validity (see above). Each service group works to an agreed resource allocation envelope that is part of the MTFP process and identifies resources to fund the MTFP. The draft MTFP for the next four years is presented to Cabinet in December to allow a consultation period with relevant stakeholders etc. and brought back to Cabinet in January before going to Full council in February for approval and subsequent implementation. The continuous budget monitoring also contributes to the budget cycle as most pressures/savings or potential amendments to the MTFP will have been identified at an early stage.

## **Governance (continued)**

*How the body ensures effective processes and systems are in place to ensure budgetary control; to communicate relevant, accurate and timely management information (including non-financial information where appropriate); supports its statutory financial reporting requirements; and ensures corrective action is taken where needed.*

The Council carries out continuous budget management using an electronic budget management system (FMS) that sends out budget management reports on spend/budget/commitments etc every month to each budget holder by email. The completed sheets are loaded back into the FMS to allow reports to be produced. The Council works on a risk basis with high risk areas receiving financial advice monthly and low risk areas every three months, with an outturn report at year-end (June/July). The results of the budget management process are presented to Cabinet every quarter to enable members to analyse the overall financial situation. These reports also go to the Economy & Resources Scrutiny Committee who carry out regular reviews.

*How the body ensures it makes properly informed decisions, supported by appropriate evidence and allowing for challenge and transparency. This includes arrangements for effective challenge from those charged with governance/audit committee.*

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The Council has had the arrangements we would expect to see to enable to make informed decisions and properly manage its risks.

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As above, appropriate action is taken by the Scrutiny Committee and Cabinet every quarter (and on an ad hoc basis if required).

The Council recognises that in order to fulfil its purpose and deliver the intended outcomes for its citizens and service users it needs to have comprehensive arrangements for corporate governance and accountability to ensure that it operates in an effective, efficient and ethical manner.

The Council has a wide range of HR policies covering expectations and staff requirements. These are categorised into a number of themes, for example policies relating to the conduct of individuals (e.g. anti-fraud, bullying, whistleblowing policies etc.). Failure to adhere to these policies can result in disciplinary procedures against individuals.

*How the body monitors and ensures appropriate standards, such as meeting legislative/regulatory requirements and standards in terms of officer or member behaviour (such as gifts and hospitality or declarations/conflicts of interests).*

The Council has policies on these areas that all staff are required to read and acknowledge, with relevant statistics produced and reported to the Audit Committee regularly, as well as the results of any action taken if the standards have been breached (there is a report from the Monitoring Officer).

## **Improving economy, efficiency and effectiveness**

*How financial and performance information has been used to assess performance to identify areas for improvement.*

The Council does extensive benchmarking (predominantly through CIPFA) to ensure that it is not an outlier in terms of performance - they still strive to keep costs at an acceptable level. In setting the budget it uses statistical data to ensure costs are correctly identified, e.g. the 22/23 MTFP included pressures where adult social care costs are rising especially in home care services (where an additional 1,771 hours of care have been identified), and in direct payments (where there has been an increase of 530 hours).

*How the body evaluates the services it provides to assess performance and identify areas for improvement*

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The Council has had the arrangements we would expect to see to enable it to use information about its costs and performance to improve the way it manages and delivers services.

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The council constantly strives to improve its services by embracing and identifying best practice - In childrens' social care they have been working with Leeds City Council (recognised as being leaders in the field) to identify any areas of improvement to encourage best practice in one of the big spending areas - strengthening families. There is a peer review due in childrens' social care that will help to identify the direction of travel.

## **Improving economy, efficiency and effectiveness (continued)**

*How the body ensures it delivers its role within significant partnerships, engages with stakeholders it has identified, monitors performance against expectations, and ensures action is taken where necessary to improve*

The Council has a partnership tool kit that identifies its significant partners to ensure that there are adequate governance arrangements. This is reported to the Audit Committee annually. Quarterly financial reports (both revenue and capital) are taken to Cabinet to allow them to monitor the financial situation of the Council and take any action as appropriate. The annual MTFP is presented to Cabinet every December and recommended for consultation with stakeholders and scrutiny committees before the final report is presented to Special Council the following February (after taking account of feedback).

*How the body ensures that commissioning and procuring services is done in accordance with relevant legislation, professional standards and internal policies, and how the body assesses whether it is realising the expected benefits.*

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The Council has had the arrangements we would expect to see to enable it to use information about its costs and performance to improve the way it manages and delivers services.

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The Council has a dedicated Procurement section and a well-established process to ensure that all contracts (over the de minimis limit of £10k) follow the recognised procedure of going to Procurement Board (with senior officer membership), to be agreed. There is also a flag on the FMS system (Agresso) that gives a warning to the Procurement section of any invoice over the £10k limit which has not been approved by the Procurement Board. The contracts register is published on the website and is periodically updated. Procurement also analyses the spend of the Council on a continuous basis to ensure consistency and identify anomalies.





Section 5

## Other Reporting Issues

## Other Reporting Issues

### **Governance Statement**

We are required to consider the completeness of disclosures in the Council's governance statement, identify any inconsistencies with the other information of which we are aware from our work, and consider whether it complies with relevant guidance.

We completed this work and did not identify any areas of concern.

### **Whole of Government Accounts**

We have performed the procedures required by the National Audit Office (NAO) on the Whole of Government Accounts consolidation pack submission.

We completed this work and did not identify any areas of concern.

### **Report in the Public Interest**

We have a duty under the Local Audit and Accountability Act 2014 to consider whether, in the public interest, to report on any matter that comes to our attention in the course of the audit in order for it to be considered by the Council or brought to the attention of the public.

We did not identify any issues which required us to issue a report in the public interest.

### **Other powers and duties**

We identified no issues during our audit that required us to use our additional powers under the Local Audit and Accountability Act 2014.

## Other Reporting Issues (cont'd)

### **Control Themes and Observations**

As part of our work, we obtained an understanding of internal control sufficient to plan our audit and determine the nature, timing and extent of testing performed. Although our audit was not designed to express an opinion on the effectiveness of internal control, we are required to communicate to you significant deficiencies in internal control identified during our audit.

We have adopted a fully substantive approach and have therefore not tested the operation of controls.

Our audit did not identify any controls issues to bring to the attention of the Audit Committee.

Appendix A

## Audit Fees

## Audit Fees

Our fee for 2020/21 is in line with the audit fee agreed and reported in our Annual Results Report, updated to take account of the extra work required as set out above.

Description	Final Fee 2020/21 £	Planned Fee 2020/21 £	Final Fee 2019/20 £
<b>Total Audit Fee – Code work</b>	71,813	71,813	71,813
Proposed increase in scale fee to reflect the changes to address additional professional and regulatory requirements and scope associated with risk (Note 1)	20,871	21,168	Included below
Proposed additional fees for in year additional work required:			
Infrastructure assets	5,449	N/A	N/A
Pension valuation work	4,364	N/A	N/A
Impact of COVID	4,802	N/A	11,373
Change to VFM reporting	6,513	6,500	N/A
Impact of new ISA540	2,489	2,500	N/A
<b>Total proposed additional fee</b>	<b>44,488</b>	<b>N/A</b>	<b>31,649</b>
<b>Final audit fee for the year</b>	<b>116,301</b>	<b>N/A</b>	<b>103,462</b>
Non-audit work	21,500	21,500	25,000

For 2020/21 the scale fee has been re-assessed to take into account a number of risk factors which includes procedures performed to address the risk profile of the Council and additional work to address increase in regulatory standards. The additional fee for 2020/21 has been discussed with management and remains subject to determination by PSAA Ltd.

Note 1: in 2019/20 PSAA determined a supplementary fee of £20,276 across all categories.

We have adopted the necessary safeguards in our completion of this work and complied with Auditor Guidance Note 1 issued by the NAO.

**EY** | Assurance | Tax | Transactions | Advisory

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**AUDITORS CERTIFICATE WHERE THE OPINION PREVIOUSLY ISSUED IN  
ADVANCE OF CLOSURE OF THE AUDIT**

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF DARLINGTON  
BOROUGH COUNCIL**

**Issue of audit opinion on the financial statements**

In our audit report for the year ended 31 March 2021 issued on 25 July 2023 we reported that, in our opinion, the financial statements:

- gave a true and fair view of the financial position of Darlington Borough Council as at 31 March 2021 and of its expenditure and income for the year then ended;
- gave a true and fair view of the financial position of the Group as at 31 March 2021 and of its expenditure and income for the year then ended; and
- had been prepared properly in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 as amended by the Update to the Code and Specifications for Future Codes for Infrastructure Assets (November 2022).

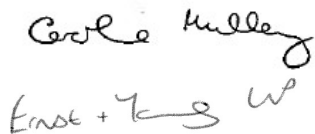
**Delay in certification of completion of the audit**

In our report dated 25 July 2023, we explained that we could not formally conclude the audit and issue an audit certificate until the NAO as group auditor has confirmed that no further assurances will be required from us as component auditors of Darlington Borough Council. This confirmation has now been received.

**Certificate**

No matters have come to our attention since that date that would have a material impact on the financial statements on which we gave an unqualified opinion and no matters have come to our attention that would have resulted in a different opinion on the financial statements or additional exception reporting on significant weaknesses in the Authority's value for money arrangements.

We certify that we have completed the audit of the accounts of Darlington Borough Council in accordance with the requirements of the Local Audit and Accountability Act 2014 and the Code of Audit Practice issued by the National Audit Office.

Handwritten signature of Caroline Mulley in cursive, followed by the logo for Ernst & Young LLP, which consists of the text 'Ernst + Young' in a stylized font with a 'W' to the right.

Caroline Mulley (Key Audit Partner)  
Ernst & Young LLP (Local Auditor)  
Newcastle upon Tyne  
14 August 2023

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**CABINET  
7 NOVEMBER 2023**

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**PROCUREMENT PLAN UPDATE**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director –  
Elizabeth Davison, Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To present the Annual Procurement Plan Update to Cabinet for approval. Cabinet is asked to consider and approve the assessment of contracts that are considered to be strategic or non-strategic.
2. To update Cabinet on the outcomes of procurement(s) previously designated as Strategic.
3. To update Cabinet about the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

**Recommendation**

4. It is recommended that: -
  - (a) Members approve the assessment of strategic and non-strategic contracts as presented in **Appendix 1** and that:
    - (i) further reports/ updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet.
    - (ii) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Directorate as listed in the plan at Appendix 1.
    - (iii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1, be delegated to the Procurement Board to approve and will be reported back to Cabinet.
  - (b) that Members note the contents of this report in respect of the update of strategic procurements, Procurement Board waiver decisions, and Social Value.

## Reasons

5. In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -
  - (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic and:
  - (b) Contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety, and public safety.
  - (c) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.
6. In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -
  - (a) In order to comply with the Contract Procedure Rules.
  - (b) To provide Cabinet with information about the decisions made by the Procurement Board.
  - (c) To supplement the reports that are taken to Cabinet about proposed spend over £100,000, that are set out in the Annual Procurement Plan and the in-year update to that report.

**Elizabeth Davison**  
**Group Director of Operations**

## Background Papers

No background papers were used in the preparation of this report.

Patrick Saunders: Extension 5493

S17 Crime and Disorder	This decision will not have any direct impact on Crime and Disorder
Health and Well Being	This decision will not have any direct impact on Health and Wellbeing
Carbon Impact and Climate Change	This decision will not have a direct impact on the Council’s carbon footprint.
Diversity	This decision will not have any direct impact on Diversity
Wards Affected	This decision will not affect any wards
Groups Affected	This decision will not have an impact on any groups.
Budget and Policy Framework	This report does not recommend changes to the Budget and Policy Framework
Key Decision	Yes
Urgent Decision	No
Council Plan	Strategic oversight of procurement will help in the delivery of the Council’s objectives
Efficiency	The production of the update to the Procurement Plan is designed to save Member and Officer time for requesting delegated powers to make contract award decisions.
Impact on Looked After Children and Care Leavers	This report has no direct impact on Looked After Children or Care Leavers

**MAIN REPORT**

**Information and Analysis**

**Strategic Contracts**

7. Any contract award decision with a value below £100,000 is delegated to officers. Under the Contract Procedure Rules an annual Procurement Plan is produced listing details of all existing and new contracts that are £100,000 or above and which require a tender process.
8. This then allows Cabinet to be advised of the contracts of £100,000 and over and to decide which of those contracts are strategic.
9. For those contracts designated strategic the final contract award decision will be approved by the Procurement Board and will be reported to Cabinet.
10. For the contracts designated non-strategic, the decision will be delegated to the relevant Directorate and detailed in the decision record.

**Assessment of contracts**

11. Details of which contracts are designated strategic, and which are designated non-strategic are detailed in Appendix 1. The contracts have been assessed against the criteria agreed by Cabinet, the criteria are provided at **Appendix 2** for information. However,

Members and Officers may decide to recommend other than what the score suggests. Anything else would be considered non-strategic.

12. Based on the criteria there is one contract that is designated strategic in the update to the Annual Plan:

- (a) **Provision of Home Care and Support**

- The procurement will be via an open over threshold tender exercise. Market engagement will be carried out prior to publication.

### **Update on Procurements previously designated as Strategic**

13. There is no further update on the strategic procurement activity detailed in the previous update.

### **Procurement Board waiver decisions**

14. Under the Contract Procedure Rules, the Procurement Board may waive the Contract Procedure Rules in specific circumstances and is required to report waiver decisions that have been made to Cabinet.
15. The Contract Procedure Rules can only be waived as an exception. The Contract Procedure Rules require the Procurement Board when considering requests for waivers to take into account the following:
  - (a) The contract value and the length of the proposed contract.
  - (b) What steps have been taken to satisfy that the best value duty has been complied with (for instance quotations, market testing).
  - (c) The extent to which there are good reasons why it is not possible to undergo a competitive process (for instance, pressing need or urgency, where further work is required before going to market, where only a short contract extension is needed, or the lack of an available market).
  - (d) Whether the new contract is intended to be a stop gap prior to undergoing a competitive process.
  - (e) The availability of compliant alternatives to direct awards, such as frameworks.
  - (f) Any other reason that is being given by the commissioning area.
16. This report details the circumstances and the reasons why the contract procedure rules have been waived by Procurement Board at **Appendix 3**, during the period 1<sup>st</sup> April 2023 – 30<sup>th</sup> September 2023.

### **Social Value**

17. A further update on the social value generated within procurement activity, will be detailed in the April 2024 update.

### **Outcome of Consultation**

18. No consultation was carried out in preparation of this report.

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ASSESSMENT MATRIX (To be completed by Procurement)															
Item No	Procurement Board Number	Current Supplier or New Contract	Description of Contract	Contract Term in years	Approx Contract Value per annum	Approx Total contract Value	Cost	Impact on Residents (1)	Risk - Financial, Health & Safety, Public (2)	Innovative in design, New form of contract, Sustainability (3)	External Monitoring e.g. from funding body (4)	Total	Strategic	Delegation for Award of Contract (Director or Assistant Director)	Procurement Route if Known
1		Various	Framework Agreement for Day Opportunities for Adults, Adults with MH problems, Adults with a Disability)	4	£ 300,000.00	£ 1,200,000.00	2	5	2	1	3	13	Non Strategic	Group Director of People	Open Over Threshold Tender Exercise
2		DAD	Consolidated Advocacy Service	4	£ 185,000.00	£ 740,000.00	1	5	2	1	3	12	Non Strategic	Group Director of People	Open Over Threshold Tender Exercise
3		Various	Provision of Home Care and Support	4	£ 8,500,000.00	£ 34,000,000.00					3		Strategic	Procurement Board	Open Over Threshold Tender Exercise
4		Rockcliffe Court	Provision of Home Care and Support including sleepover provision	3	£ 675,000.00	£ 2,025,000.00	3	5	2	1	3	14	Non Strategic	Group Director of People	Open Over Threshold Tender Exercise
5		Humankind	Young Carers Support Service	6	£ 95,904.00	£ 575,424.00	1	5	2	1	3	12	Non Strategic	Group Director of People	Open Over Threshold Tender Exercise
6		Various	Residential Care for Disabled Adults	4	£ 100,000.00	£ 400,000.00	1	5	2	1	3	12	Non Strategic	Group Director of People	Open Over Threshold Tender Exercise
7	PB2023-01032	New Contract	Ticketing and EPOS for DRHQ	3	£ 55,000.00	£ 165,000.00	1	5	2	1	3	12	Non Strategic	Group Director of Services	Open Over Threshold Tender Exercise
8	PB2023-01086	Symology	Highway Asset Management System	4	£ 73,300.00	£ 293,200.00	1	5	2	1	3	12	Non Strategic	Group Director of Services	CCS Gcloud 13 Framework - Direct Appointment

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ASSESSMENT MATRIX FOR STRATEGIC PROCUREMENT					
VALUE		SIGNIFICANCE			
Cost		Impact on Residents (1)	Risk - Financial, Health & Safety, Public (2)	Innovative in design, New form of contract, Sustainability (3)	External Monitoring e.g. from funding body (4)
=> £5,000,000	Automatically considered strategic				
Between £4,000,000 & £4,999,999	5	5	5	5	5
Between £3,000,000 & £3,999,999	4	4	4	4	4
Between £2,000,000 & £2,999,999	3	3	3	3	3
Between £1,000,000 & £1,999,999	2	2	2	2	2
Less than £1,000,000	1	1	1	1	1
Score	0	0	0	0	0
<b>Total Score</b>	<b>0</b>	<b>This procurement is</b>		<b>Non-Strategic</b>	

Each procurement must be reviewed against the matrix above. Any contract with an overall value in excess of £5,000,000 will be considered strategic. For any procurement where the value of the contract falls below £5,000,000 the goods or services to be purchased must be assessed on the value and the significance in relation to the other 4 columns and marked accordingly, where 5 is considered to be high significance and 1 low significance. Once a score has been decided for each column it is put in the relevant cell (c17 - K17) the spreadsheet automatically collates the score and determines if the procurement is strategic or non-strategic. Anything that scores 15 or more considered to be strategic. If however a procurement comes out as non-strategic but officers feel they would still want political support for the decision they can choose to take a report to Cabinet.

Note 1: What is the impact on residents? Is it restricted to one street, or estate or is it much wider than that? Does it affect 2 or more wards?

Note 2: Is there significant financial risk to the authority? Is there a H&S risk e.g. care for vulnerable people? Is there a risk to the public? Reputational risk?

Note 3: Is the authority familiar with the form of contract being entered into? Is the contract innovative in its delivery? Are we changing the service?

Note 4: Are there any specific requirements from external funders that represent a risk to the authority e.g. Pathfinder projects for DFES?

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**PROCUREMENT BOARD DECISIONS TO WAVE CONTRACT PROCEDURE RULES WITH A CONTRACT VALUE OVER £100K  
APRIL 2023 - SEPTEMBER 2023**

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01034	27 April 2023	Direct Award - Adult Residential Care Placement with Therapeutic Support No suitable placements available on the Councils contracted provision	2 years	£ 468,000.00	Arronbeth
PB2023-01040	02 May 2020	Direct Award - Adult Residential Care Placement No suitable placements available on the Councils contracted provision	4 years	£ 110,032.00	Chestnut Lodge Nursing Home
PB2023-01042	05 April 2023	Direct Award - Delivery of Fuel Vouchers through the Household Support Fund Continuation of a current contract	12 months	£ 323,675.00	The Bread & Butter Thing
PB2023-01044	05 April 2023	Direct Award - Programme to support vulnerable groups with the voluntary sector through the Household Support Fund Continuation of a current contract	12 months	£ 370,000.00	700 Club
PB2023-01045	05 April 2023	Direct Award - Provide a package of Information & advice through the Household Support Fund Continuation of a current contract	12 months	£ 110,000.00	Age UK Darlington and North Yorkshire
PB2023-01046	01 April 2023	Direct Award - Provision of funding to buy food for the network of foodbanks in Darlington through the Household Support Fund Continuation of a current contract	12 months	£ 100,000.00	The Bread & Butter Thing
PB2023-01047	03 May 2023	Direct Award - 24 hour supported accommodation child placement No suitable placements available on the Councils contracted provision	15 months	£ 230,778.00	ROC Transitions
PB2023-01052	11 May 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	2 years	£ 468,000.00	Evolve Ltd
PB2023-01054	10 May 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	2 years	£ 488,880.00	Right Trak limited
PB2023-01056	05 May 2023	Direct Award - Shared Service Agreement for the provision of a Housing Improvement Agency Continuation of a current contract	5 years (2+2+1)	£ 600,000.00	Durham County Council
PB2023-01062	17 May 2023	Direct Award - Adult Supported Living Placement No suitable placements available on the Councils contracted provision	4 Years	£ 517,016.00	Salutem Care - Ambito Care
PB2023-01063	17 May 2023	Direct Award - Adult's Residential Placement No suitable placements available on the Councils contracted provision	4 Years	£ 354,552.00	Hundens Park

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01064	18 May 2023	Direct Award - County Records Archiving Service Continuation of a current contract	4 Years	£ 354,882.72	Durham County Council
PB2023-01072	23 May 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	2 years	£ 727,480.00	Halliwell Homes
PB2023-01073	23 May 2023	Direct Award - Supply and install pre-fab changing rooms and associated facilities at the Eastbourne Sports Complex A procurement exercise was carried out with no compliant bids	16 months	£ 111,750.00	Cleveland Containers Ltd
PB2023-01078	24 May 2023	Direct Award - Contribution to Beamish restoration costs for the Dunrobin locomotive in lieu of transfer of Loco No1 replica to DBC.		£ 150,000.00	Beamish Museum
PB2023-01085	22 May 2023	Direct Award - Adult residential/nursing placement. No suitable placements available on the Councils contracted provision	4 years	£ 144,857.43	Chestnut Lodge Nursing Home
PB2023-01098	12 June 2023	Direct Award - Children's Day placement No suitable placements available on the Councils contracted provision	3 years 3 months	£ 110,500.00	Mo Mowlam Academy
PB2023-01110	13 June 2023	Direct Award - Children's Day placement No suitable placements available on the Councils contracted provision	4 Years	£ 281,648.00	Embleton View School
PB2023-01111	31 May 2023	Direct Award - Construction of an access road to Plot 1 Ingenium Park Contractor currently working on the site	2 years	£ 300,000.00	Northminster Properties Limited
PB2023-01115	14 June 2023	Direct Award - Lifeline conversion to digital - Upgrade of XT System Variation to the contracted supplier	4 years	£ 112,210.00	Secureshield
PB2023-01123	07 July 2023	Direct Award - Adult residential placement. No suitable placements available on the Councils contracted provision	4 Years	£ 1,167,777.49	Tees Grange (Exemplar Health Care Services Limited)
PB2023-01128	12 July 2023	Direct Award - Supply and install Phase 1 of design of Dolphin Centre M&E refurbishment scheme Additional works to the contracted supplier	7 months	£ 500,000.00	Geoffrey Robinson Limited
PB2023-01133	11 July 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	4 months	£ 270,720.00	Moonrise
PB2023-01135	29 June 2023	Direct Award - Childs Day placement No suitable placements available on the Councils contracted provision	5 Years	£ 369,095.00	Embleton View School
PB2023-01137	14 July 2023	Direct Award - Childs Day placement No suitable placements available on the Councils contracted provision	2 Years	£ 182,444.00	Cambian - Spring Hill

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01159	31 May 2023	Direct Award - Adult Residential Placement No suitable placements available on the Councils contracted provision	4 years	£ 469,280.00	Rydal Care Home
PB2023-01162	19 July 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	5 years	£ 845,485.00	Clervaux Garden School
PB2023-01163	27 July 2023	Direct Award - Adult Day Services placement No suitable placements available on the Councils contracted provision	4 years	£ 107,669.12	Innovations
PB2023-01172	10 August 2023	Direct Award - Recovery Element of the Support, Treatment and Recovery in Darlington through Empowerment Local provider could provide the service going forward	2 years + 3 x 12 months	£ 1,500,000.00	Recovery Connections
PB2023-01174	07 August 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	2 Years	£ 680,000.00	Hexagon Care
PB2023-01176	15 August 2023	Direct Award - Adult Residential Placement No suitable placements available on the Councils contracted provision	4 Years	£ 128,930.64	Auguste Care Home
PB2023-01179	11 August 2023	Direct Award - Retrofit Assessments for SHDF2. Roles of assessor, designer and co-ordinator No suitable placements available on the Councils contracted provision	18 months	£ 104,000.00	Stormtempest
PB2023-01187	16 August 2023	Provision of a Personal Care and Domestic Support Service for tenants in Extra Care Housing Market testing has been carried out a review of the service then the procurement will be carried out	1 Year	£ 1,596,671.08	Making Space
PB2023-01188	16 August 2023	Direct Award - Provision of Home Care and Support A review of the service will be undertaken then a procurement exercise carried out	6 months	£ 4,200,000.00	Springfield Healthcare; Careline Homecare; Thera North; Creative Support; Creative Support; Moorlands Home Care; Heritage Healthcare North East; Firstpoint Home Care; Dimensions; One Call Care Solutions (247 Community Support); Ascot Care; United Response; Potens; Sanctuary Home Care; Northern Life (UBU); Lifeways Community Care; Royal Mencap Society
PB2023-01190	23 August 2023	Direct Award - Children's Residential Placement with education No suitable placements available on the Councils contracted provision	2 years	£ 508,049.88	Witherslack - Claderbank
PB2023-01191	29 August 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	13 weeks	£ 141,700.00	Keys Group
PB2023-01192	29 August 2023	Direct Award - Retrofit Assessments for Home Upgrade Grant Phase 2, roles of assessor, designer and co-ordinator. Supplier is available to carryout the works in the required timescales	19 months	£ 175,000.00	Stormtempest
PB2023-01193	29 August 2023	Direct Award - Retrofit Assessments for Home Upgrade Grant Phase 2, roles of assessor, designer and co-ordinator. Supplier is available to carryout the works in the required timescales	19 months	£ 175,000.00	Retrofit Coordinators

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01199	31 August 2023	Direct Award - Young Person's Supported Accommodation No suitable placements available on the Councils contracted provision	1 year	£ 212,784.00	ROC Transitions
PB2023-01200	05 September 2023	Direct Award - Young Person's Supported Accommodation No suitable placements available on the Councils contracted provision	1 year	£ 254,904.00	ROC Transitions
PB2023-01201	05 September 2023	Direct Award - Childs foster placement No suitable placements available on the Councils contracted provision	4 years	£ 161,495.36	A1 Foster Care
PB2023-01202	06 September 2023	Direct Award - Childs foster placement No suitable placements available on the Councils contracted provision	4 years	£ 335,470.72	A1 Foster Care
PB2023-01212	05 September 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	2 Years	£ 699,550.00	Hexagon Care
PB2023-01213	14 September 2023	Direct Award - Children's Residential Placement No suitable placements available on the Councils contracted provision	1 Year	£ 281,840.00	Meadows Care
PB2023-01217	14 September 2023	Direct Award - Children's Residential Placement with Education No suitable placements available on the Councils contracted provision	2 years	£ 146,976.00	Witherslack Group
PB2023-01221	20 September 2023	Direct Award - Provision of a Carers Support Service - Lot 1: Adult Carers, including Parents Caring for Disabled Children Continuation of the service with the contracted provider	5 years (2+2+1)	£ 523,157.60	Durham County Carers Support
PB2023-01223	21 September 2023	Direct Award - Children's Supported Accommodation No suitable placements available on the Councils contracted provision	1 year	£ 254,904.00	ROC Transitions
PB2023-01226	20 September 2023	Direct Award - Adults specialist mental health placement No suitable placements available on the Councils contracted provision	4 Years	£ 353,760.00	Barchester Healthcare
PB2023-01228	29 September 2023	Direct Award - Adults day services placement with transport No suitable placements available on the Councils contracted provision	4 Years	£ 131,392.80	Innovations

**CABINET  
7 NOVEMBER 2023**

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**SPECIAL FREE SCHOOL AT WEST PARK, DARLINGTON**

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**Responsible Cabinet Member -  
Councillor Nick Wallis, Children and Young People Portfolio  
Councillor Chris McEwan, Economy Portfolio**

**Responsible Directors –  
James Stroyan, Group Director of People  
Ian Williams, Chief Executive**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of the report is to agree a strategy to enable Darlington Borough Council to secure ownership of and make available to the Department for Education (DfE) 1.25 – 1.35 hectares of land at West Park for the new SEND School, also referred to as a special free school. The indicative masterplan for the area is shown at **Appendix 1**.
2. This report sets out options and a strategy recommendation to provide greater certainty to both DfE and the Council in terms of delivery of the land and the project, whilst mitigating risks for both parties.

**Summary**

3. Darlington received approval from government to establish a new, 48 place Autism Spectrum Disorder (ASD) special free school in the borough for children aged 11-19.
4. As part of planning permission granted for the West Park development, land was set aside for the provision of education and sports under a separate legal contract known as a Section 106 (s106) agreement. This contract sets out measures and financial contributions the developer must make in order to lessen the impact of the development on the community. This land has been identified as the preferred location for the SEND school. This land is within the ownership of the developer.
5. In order to make the land available, the land must be first transferred into the Council's ownership and then leased to the school operator.
6. As part of the s106 agreement terms, the Council cannot unilaterally trigger the transfer of the land. The Council must wait for the developer to offer to transfer the land prior to the occupation of 150 newly developed houses. Currently, 100 houses are occupied.

7. To provide flexibility and control over timing of the transfer of the land, and comfort to the DfE, it is proposed that the Council will endeavour to enter into an option agreement with the current landowner (the developer). The timing of the transfer of the land must be carefully managed to avoid incurring unnecessary holding and land management costs should the project be delayed or not go ahead.
8. The DfE will fund the construction of the school, but some costs are expected to be met by the Council ("local authority costs"). It is proposed that these costs will be estimated, capped and met by the financial contribution contained within the s106 agreement. .
9. The s106 financial contribution is circa £6 million in total and payments by developers are subject to certain triggers. Currently, the Council holds £2.5 million, the next payment will be received in 2027/28 and the full balance is expected in 2030. Should the local authority costs exceed the amount of contributions held by the Council at the relevant point in the development timeline, it is proposed that the Council agree in principle to forward fund the difference until the collections have been received. It is proposed that members receive further updates on the progress of the funding arrangements.
10. In parallel to the option agreement discussions, it is proposed that heads of terms for the lease of the school to the school operator are negotiated with the DfE, subject to agreement of the above, and subject to agreement of Cabinet.
11. This strategy relies on the agreement to the option by the developer. Should the option fail to be agreed, this poses a risk to the timeline of the delivery of the school as no comfort can be provided upon the timing of the land transfer. Initial discussions with the developer have so far been positive.
12. Cabinet will be updated on a regular basis on the progress and any additional/future risks that have been identified through the process.

### **Recommendations**

13. It is recommended that members agree the following strategy:
  - (a) Begin negotiations with the owners of the sports and education land with a view to documenting the obligations in the s106 Agreement for the land to be transferred to DBC by way of an option agreement.
    - (i) Final agreement of heads of terms to be subject to Cabinet Approval
  - (b) Progress heads of terms for a lease of 1.25 – 1.35 hectares of land to the new school:
    - (i) Subject to agreement of the option
    - (ii) Subject to Cabinet Approval
  - (c) Exercise the s106 obligation to transfer land required for the school at the appropriate time.



- (d) Use the s106 financial contribution to fund the local authority costs arising from the construction of the school. The DfE has provided a non-exhaustive list of costs to be funded by DBC. The costs will be capped at a figure to be agreed.
- (e) Acknowledge that should the amount of s106 financial contributions received by the Council, as at the point of payment of the local authority costs, be insufficient to fully cover the cost, the Council will forward fund the remainder until the remaining contributions are received, estimated to be 2030. Full costs and commitment to be estimated and presented for final decision prior to signing of contracts.

## Reasons

14. The recommendations are supported by the following reasons :-

- (a) The option would:
  - (i) Enable the Council to call for the transfer of the freehold of the land required for the school at an appropriate time.
  - (ii) Achieve flexibility on precise location of land required, as the option would enable DBC to specify the land it wishes to acquire when exercising the option.
  - (iii) Achieve certainty and flexibility of timescale for the transfer of the land.
  - (iv) Enable site investigations to be carried out across the whole s106 area if required.
  - (v) Final agreement of heads of terms to be subject to Cabinet Approval
- (b) Progressing Heads of Terms for the lease of land to the new school would:
  - (i) Provide comfort to DfE to allow progression to the next step, the feasibility study, and subsequent local authority costs analysis.
- (c) Exercising the s106 agreement at the appropriate time would:
  - (i) Be dependent upon agreement of the option.
  - (ii) Be linked to the timing agreed in the option.
  - (iii) Follow the correct legal process for transferring the land.

- (d) Using the s106 financial contribution to fund the local authority costs arising from the construction of the school would:
  - (i) Be an appropriate use of the s106 financial contribution.
  - (ii) Be subject to agreement of the costs with the DfE.
  - (iii) Be subject to a cap on costs as agreed with the DfE.
- (e) Acknowledging that forward funding may be required will:
  - (i) Allow the parties to progress negotiations in the knowledge that funding is available at the relevant point in time, should it be required at all.
  - (ii) Be subject to final update and decision when costs and payment timetables are known.

**James Stroyan**  
**Group Director of People**

**Ian Williams**  
**Chief Executive**

### **Background Papers**

**There are no background papers.**

Paul Richardson/Sarah Wayman

S17 Crime and Disorder	The project is at an early stage. S17 Crime and Disorder will be brought to the DfE's attention during the feasibility studies. An update will be provided.
Health and Wellbeing	This report seeks to progress the delivery of the SEND School project and therefore directly contributes to health and wellbeing. It is well documented that education is fundamentally important to health and wellbeing for numerous and wide-ranging reasons.
Carbon Impact and Climate Change	The project is at an early stage. Carbon Impact and Climate Change impacts will be brought to the DfE's attention during the feasibility studies. An update will be provided.
Diversity	Local authorities must comply with the Public Sector Equality Duty (PSED) under S.149 of the Equality Act 2010. The project is at an early stage. Due regard to the protected characteristics will be given throughout the project and will be brought to the DfE's attention during the feasibility studies. An update will be provided.
Wards Affected	Brinkburn and Faverdale
Groups Affected	Young people aged 11-19 with an EHCP and a primary need of ASD
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	Not an Executive decision.
Urgent Decision	Not an Urgent Decision.

Council Plan	Provide excellent services for children and young people with special educational needs and disability (SEND) - implement a new SEND strategy, increase the number of SEND places in schools and work to raise SEND funding levels from central government.
Efficiency	Providing local SEND provision has the potential to reduce the reliance on the use of high-cost independent placements. providing better value for money and reducing the pressures on the High Needs budget. It also has the potential to reduce the cost of transporting pupils.
Impact on Looked After Children and Care Leavers	For those looked after children with EHCPs this has the potential to provide more local provision, reducing the need for long travel times or even possibly residential provision.

## MAIN REPORT

### Background

#### s106 Agreement

15. A s106 agreement is an agreement between the developer and the Council as local planning authority. The agreement contains concessions and financial contributions from the developer which reduces the impact of the development on the community and makes a development possible that would otherwise not be possible. Financial contributions are often made in tranches and linked to certain trigger events, such as the completion of an agreed number of houses.
16. The land earmarked for the SEND School is owned by a developer and is subject to certain obligations contained within a s106 Agreement. The land subject to the relevant s106 obligations is shown in dark purple (five hectares of land for education use) and light purple (8.2 hectares of land for sports and playing fields) on the attached plan (Appendix 1). The two areas of land are subject to identical albeit separate conditions:
  - (a) The owners must reserve and hold the land for a period of 10 years from 2018 solely for the provision of sports and education facilities.
  - (b) The owners must offer the Sports and Education Land to the Council for £1 prior to occupation of 150 dwellings on the Mount Pleasant Farm Land (the land shown turquoise and to the North East of Newton Lane on Appendix 1).
  - (c) The Council and the owners shall use reasonable endeavours to agree the other terms of the transfer and complete as soon as possible.
17. A financial contribution of £6,087,000 was made as part of the s106 and can be used for the construction of a secondary school on the dark purple land. The financial contribution will be received in staged payments which are subject to defined trigger events.

### Collaboration Agreement

18. The developer assembled the education and sports land required for the s106 for £8m. The Council contributed £2.3m to the purchase of the land and this was documented in a Collaboration Agreement with the developer.
19. If all or part of the dark and light purple land is not needed for education and sports, it can be released from the s106 obligation, and the Council will receive a reimbursement of the £2.3m contribution or a proportion of such sum (assessed on a pro-rata basis) in the event that part of the land is not needed for sports and education purposes.

### Legal Charge

20. As security for the £2.3m a charge was placed on the dark and light purple land. The charge would be released if the ownership of the land was transferred to the Council.

### Delivery of the SEND school

21. The DfE are currently procuring a suitable developer and operator for the proposed new school. The window for applications opened on 9 May and closed on 31 August. Applications have been received and are currently in evaluation stage. The DfE has set out terms and a timeline for the construction and operation of the SEND School once an operator has been selected. The DfE has provided a model lease which is largely non-negotiable.

### Delivery of the school DfE timescales

22. The delivery of the school DfE timescales are as follows:-

1.	Agree Heads of Terms for lease DBC and DfE	October/November 2023 and subject to Cabinet decision
2.	DfE assess applications	September and October 2023
3.	DfE interview strongest applicants	November and December 2023
4.	DfE announce successful applicant	January 2024
5.	DfE feasibility study and agree local authority costs.	Completed by early Spring 2024
6.	Developer to transfer FH of land to DBC	Spring 2024
7.	DfE to tender construction contract	End Spring 2024
8.	Successful applicant to begin planning process: pre-app, community involvement exercise & submission of planning application	Autumn 2024
6.	DBC grant lease to successful applicant	Early Spring 2025
7.	Construction and opening	Autumn 2026

## Model lease summary

23. The model lease summary is as follows:-

Landlord	Darlington Borough Council
Tenant	The school operator
Term	125 years
Rent	peppercorn
Repairs and Insurance	The tenant shall be responsible for all outgoing

## Local Authority Costs

24. The local authority costs are those development costs which the Council must meet as a condition of the approval of the application to establish a special free school in Darlington.
25. The DfE will let the construction contract and fund the construction of the school, except for the costs listed below which are to be paid by the Council. It has been confirmed that these costs can be met from the financial contributions made by the West Park developers as agreed in the s106 agreement. Several of the developers due to make their financial contributions at previously defined trigger points have recently applied to make these payments at later dates (due to market conditions). There is a risk therefore that the Council may need to pay a proportion of the total local authority costs ahead of receiving sufficient financial contribution payments. This situation will be kept under review as potential costs and timescales for payments become clearer.
26. Once the DfE has some comfort that the land is available and terms are agreed in principle, they will commission a feasibility study which will enable a cost estimate to be drawn up and a cap on costs agreed. At present it is too early to begin cost estimates, however it is likely that they will not exceed the s106 agreement £6m financial contribution.
27. Local authority costs to be paid from the s106 financial contribution – including (but not limited to):
- (a) Geophysical conditions and geochemical exceedances relative to guidelines for school use (including asbestos removal).
  - (b) Flooding and alleviation measures.
  - (c) s278 and s106 costs.
  - (d) New road provision from the adopted highway to the site boundary.
  - (e) Retaining structures required as a function of topography.
  - (f) Ecological provision – reserves, species protection and relocation.
  - (g) Title consolidation and registration.

- (h) Utility provision.
- (i) Environmental conditions that may require specific mitigations such as acoustics or air pollution.

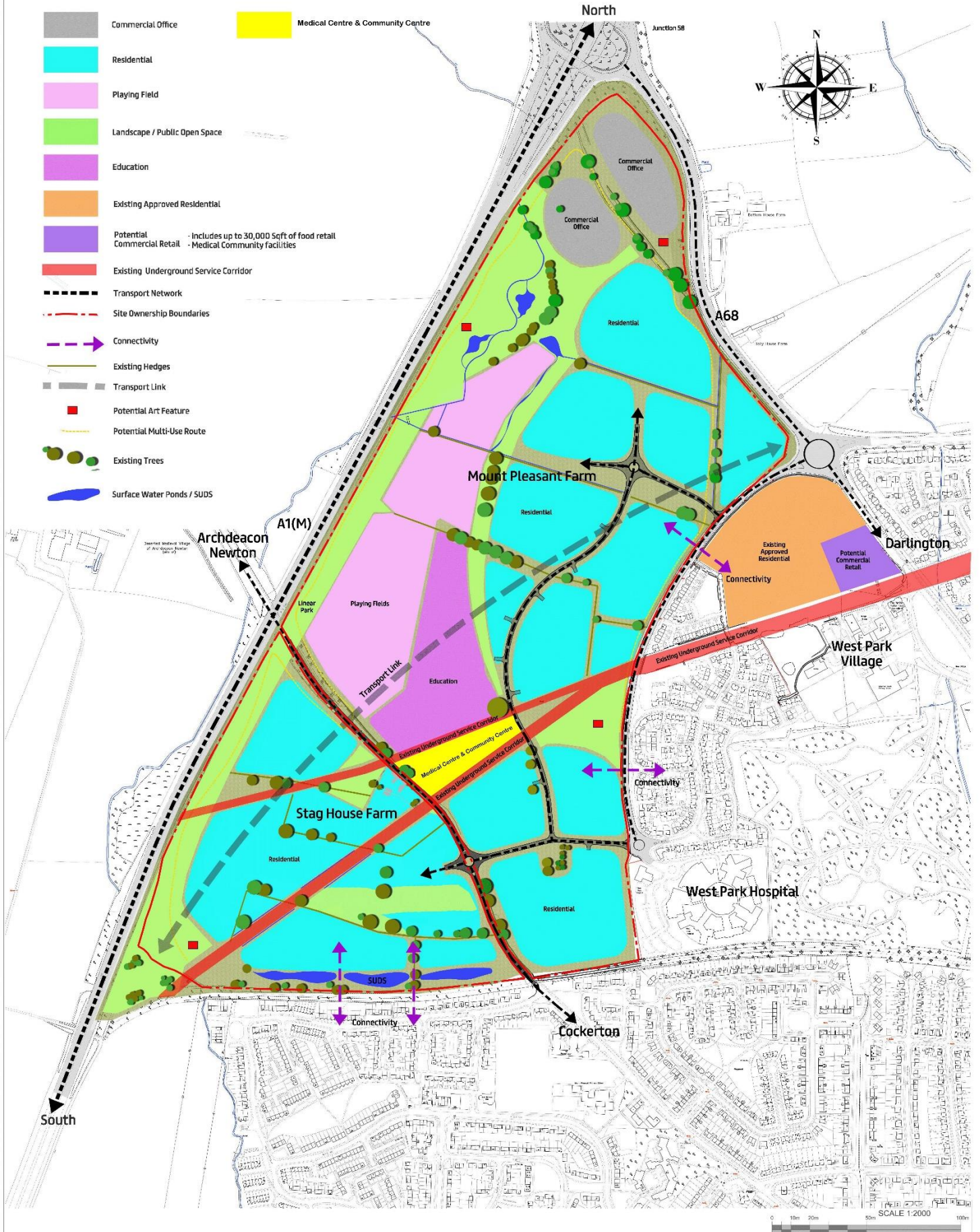
### **Current Position**

28. Under the s106 Agreement developer must offer the Sports and Education Land to the Council prior to occupation of 150 dwellings on the Mount Pleasant Farmland. Although the Council has this right to acquire the land it does not have sufficient control over the timing of the transfer at this stage to enable it to provide comfort to DfE. On that basis it is proposed that an option agreement be entered into to enable the Council to have control over the timing of the acquisition rather than waiting for the developer to make the offer. This is a structural change rather than a fundamental change to the obligation entered into pursuant to the s106 Agreement, the Council would have the same right to acquire the same parcel of land but would be able to trigger that transfer itself at the most suitable time to fit around the transaction with DfE.
29. The Council cannot unilaterally draw down the s106 land. It must wait for the developer to offer to transfer the land prior to the occupation of 150 units. 100 units are currently occupied and whilst the occupations are increasing over time, they are unlikely to surpass this threshold prior to the point at which some certainty must be provided to the DfE in order to progress the project.
30. It is likely that if the Council were to accept a transfer of the whole of the light and dark purple land for £1 as per the s106 agreement, the current owner would seek to place a restriction on the use to education and sports land. Under the terms of the s106 both parties must act reasonably. It would be difficult for the Council to assert that a restriction on use would be unreasonable. Typically, removal of a restriction on use enabling development of the land would involve a payment by the Council to the developer which would be linked to the development land value.
31. The SEND school site has been provisionally plotted in the area marked on the attached plan (Appendix 1). Based on DfE area guidelines (Building Bulletin 104) approximately 1.25-1.35 hectares are required for the school leaving a remaining 3.65-3.75 hectares. With reference to the paragraph above, ideally only the land required for the school would be transferred to the Council.
32. Members will be aware of several risks associated with large scale capital projects which contributes to some uncertainty regarding the delivery or delays to the delivery of the school. It has been reported in the press recently that in other Local Authority areas, several construction contracts have not been let following the tender exercise due to increasing build costs. Applications for the school have been received for the school in Darlington and there is no requirement to appoint an operator should the applications be unsuccessful, although the opportunity can be re-advertised. Therefore, the timing of the transfer of the land must be carefully managed to avoid incurring unnecessary holding and land management costs should the project be delayed or not go ahead.

33. The option would strike a balance of providing comfort to the DfE that the land could be made available for the school and unlock funds to further progress the project whilst at the same time minimising risks for the Council in taking on a liability of land management ahead of having sufficient certainty regarding the completion of the project.
34. There is no clear commercial advantage to taking a transfer of the whole of the education land as it is likely that a restriction on use would be placed on the title by the seller, and the Council would be burdened with holding and land management costs.
35. Should the remainder of the education land and the playing fields land not be required by the Council for the duration of the holding period, a reimbursement of the remaining collaboration monies would be requested prior to the expiry of the period.
36. The proposal is to seek to enter into an option agreement with the developer
  - (a) Opportunities:
    - (i) Enable DBC to call for the transfer of the freehold of the land required for the school at an appropriate time.
    - (ii) Achieve flexibility on precise location of land required, as the option would enable DBC to specify the land it wishes to acquire when exercising the option.
    - (iii) Achieve certainty and flexibility of timescale for the transfer of the land.
    - (iv) Enable site investigations to be carried out across the whole S.106 area if required.
  - (b) Risks:
    - (i) Incur legal costs.
    - (ii) Time taken to complete agreement may coincide with occupations trigger.

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**CABINET  
7 NOVEMBER 2023**

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## **RENEWAL OF DOG PUBLIC SPACE PROTECTION ORDERS**

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**Responsible Cabinet Member -  
Councillor Amanda Riley, Stronger Communities Portfolio**

**Responsible Director -  
Dave Winstanley, Group Director of Services**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. This report provides the outcome of the consultation exercise to enable Cabinet to consider renewal of the Dog Public Space Protection Orders (PSPOs).

#### **Summary**

2. PSPOs were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community.
3. The current dog PSPO was introduced on 31 January 2021, and this is due to lapse in January 2024. When considering the possible extension or renewal of the order, the Council must undertake statutory consultation as part of the review process. Cabinet previously approved, on 3 July 2023, a period of consultation on the renewal of the PSPO for the control of dogs. The consultation period ran for eight weeks. **Appendix 1** sets out the 'survey monkey' responses and the main report analyses the findings.
4. Based on the consultation and the ongoing issues associated with responsible owner behaviour outlined in this report it is recommended that that the order is renewed. A copy of the draft PSPO order is set out at **Appendix 2**.

#### **Recommendations**

5. It is recommended that :-
  - (a) Members consider the consultation feedback and the contents of this report.
  - (b) Members approve and agree that the Public Spaces Protection Order should be formally made as set out in Appendix 2 to renew the current PSPO for:
    - (i) Failure to remove dog faeces;

- (ii) Not keeping a dog on a lead on specified land;
- (iii) Not putting a dog on a lead and keeping on a lead when directed by an authorised officer;
- (iv) Permitting a dog to enter land from which dogs are excluded;

### **Reasons**

6. The recommendations are supported by the following reasons :-
- (a) The current Dog PSPO cease to exist by 31 January 2024;
  - (b) For dog control/responsible dog ownership in Darlington;
  - (c) To improve the quality of life of persons visiting and working in the areas covered by the PSPO.

**Dave Winstanley**  
**Group Director of Services**

### **Background Papers**

Cabinet: 3 July 2023 – Consultation on Renewal of Dog Public Space Protection Orders.

Anna Willey: Extension 6756

S17 Crime and Disorder	Renewing the PSPO for dog control will enable the authority to take action against individuals who do not look after their dogs responsibly.
Health and Well Being	The PSPO will impact on the Health & wellbeing of the community, making sure dogs are supervised responsibly.
Carbon Impact and Climate Change	There is no impact on carbon as a result of this report.
Diversity	Exemptions are available under the PSPO to some sections of the disabled community.
Wards Affected	All.
Groups Affected	The main impact on any protected characteristic as a result of introducing a Public Space Protection Order will be on residents with a disability who require an assistance dog. As detailed in the report, those individuals who have assistance dogs are excluded from relevant offences under the PSPO.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	No.
Urgent Decision	No.
Council Plan	The PSPO will contribute to safer Darlington.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers as a result of this report.

## MAIN REPORT

### Information and Analysis

7. Owning a dog can bring great happiness but also places a lifelong responsibility on the owner to ensure that the dog is not a hazard, a health risk or nuisance to other members of the community. Unfortunately, some owners do not take a responsible attitude towards dog ownership and as a result, a number of complaints are received by the Council covering a range of issues. The Council needs to balance the needs of those in charge of dogs with the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control.
8. Currently the Council has in place a Public Space Protection Order that covers:
  - (a) Failure to remove dog faeces;
  - (b) Not keeping a dog on a lead on specified land;
  - (c) Not putting a dog on a lead and keeping on a lead when directed by an authorised officer;

- (d) Permitting a dog to enter land from which dogs are excluded;
  - (e) Allowing dogs to enter North, East, West Cemeteries on a lead.
9. The existing Public Space Protection Order comes to an end on 31 January 2024 and if Members wish to continue to impose controls, then existing PSPO requires renewal.
10. In July 2023, Cabinet approved a period of consultation with regard to renewing the elements set out in paragraph 10 and aimed to seek the views of the public in terms of any additional control of dogs.

**Outcome of Consultation**

11. Consultation ran from 7 July 2023 to 31 August 2023, for eight weeks and was carried out in the following ways:
- (a) One Darlington magazine
  - (b) Online/hard copy survey
  - (c) Social media
  - (d) Business Community (dog walking businesses)
  - (e) Kennel club
12. Attached at Appendix 1 is the overall feedback from the consultation.
13. There were 105 replies to the online survey. The headline results are as follows.
14. **Question** - We propose to keep all four elements as part of the new PSPOs do you agree?
- (a) Failure to remove dog faeces

<b>Yes</b>	97.1%	<b>No</b>	2.9%	<b>Don't Know</b>
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General themes from consultation:

- (i) More Dog Bins
- (ii) Dog bins emptied more regularly
- (iii) Patrols of hot spot areas
- (iv) More enforcement officers
- (v) Stiffer penalties for offenders

Sample comments.....

*“Having moved from Stockton the last year, I am dismayed by how much of a mess local dog owners leave on pavements here.”*

*“Dog fouling in this town is horrendous I would like to see more measures to tackle it, you are too lenient.”*

*“The town needs more dog waste bins and stronger enforcement of this policy.”*

*“Simply need more staff to counteract the problem.”*

- (b) Not keeping a dog on a lead on specified land.

<b>Yes</b> 94.3%	<b>No</b> 2.9 %	<b>Don't Know</b> 2.9%
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General themes from consultation:

- (i) Designated enclosed area for dogs – exercise freely, potentially fenced off
- (ii) Clearer signage
- (iii) Limit on the number of dogs
- (iv) Enforce microchipping

Sample comments.....

*“The signage is not always clear and or people just don't notice it.”*

*“Observed numerous dogs off leads.”*

*“How will this be policed. There are many dogs off the lead in South Park when not supposed to.”*

*“Give them their own space.”*

- (c) Not putting a dog on a lead and keeping on a lead when directed by an authorised officer.

<b>Yes</b> 96.2%	<b>No</b> 2.9%	<b>Don't Know</b> 1.0%
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No comments were made in this section.

- (d) Permitting a dog to enter land from which dogs are excluded (see maps for specified area)

<b>Yes</b> 93.3%	<b>No</b> 4.8%	<b>Don't Know</b> 1.9%
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General themes from consultation:

- (i) There should be an enclosed dog exercise area in the Borough.
- (ii) Clearer signs
- (iii) More staff to enforce.
- (iv) More bins

Sample comments.....

*“It might be useful if an area of fenced land could be found for the exercise of unleashed dogs.”*

*“Make all public areas that dogs have to be on leads or have cordoned off areas for them to run”.*

*“I do not agree that dogs should be banned from cemeteries. Visiting a memorial to a loved one can be difficult and having a dog with you can give comfort at this difficult time. I therefore think that dogs should be allowed but kept on a lead at all times.”*

*“I think it’s unfair to exclude dogs from areas such as the cemeteries. Some people take their pet with them to the cemetery whilst visiting their loved ones resting place and therefore should still be permitted to do so. The problem is the minority of dog owners who are lazy and/or flout the rules. These people should be targeted instead of the good law-abiding citizens.”*

**15. Question - Allow dogs in Cemeteries, do you agree?**

Yes	No	Don’t Know
80%	15.2%	4.8%

General themes from consultation:

- (i) The general theme of comments implied a strong feeling that as long as a dog is on their lead and that any dog fouling is picked up by the owner that it is acceptable for dogs to be allowed into all cemeteries.
- (ii) Many people spoke of how a dog is a loyal and loving member of the family, whether the dog was a loyal companion to the deceased or indeed gave some comfort to the person visiting the cemetery to pay their respects.
- (iii) For many older people, as loved ones have deceased, a dog may be their only companionship, someone to talk to.

Sample comments.....

*“There should be no reason why a dog shouldn’t be allowed to walk in cemeteries (lead only)”.*

*“Excluding dogs from cemeteries is ridiculous. For many people a dog is a family member and a support mechanism in times of loss”.*



*"I do not agree dogs being allowed in cemeteries at all. Allowing dogs supposedly on leads has given free rein to many dog owners who now think it's ok to let and even encourage, their dog to run around the cemetery."*

16. **Question** - If you have any other ideas on how we can improve dog control in Darlington.

The general theme of comments/suggestions within the survey in response to this question:

- (i) More patrols and better response to complaints.
  - (ii) Get more dog wardens and severely punish owners if they break the PSPO.
  - (iii) More severe fines for those not removing their dog faeces, more frequent emptying of waste bins (overflowing with bags of dog faeces).
  - (iv) With an increase in dog ownership and dog attacks then encouraging responsible ownership is essential.
  - (v) Dog walkers shouldn't be allowed to walk more than 6 dogs at once.
  - (vi) More visible staff in public areas.
  - (vii) More litter bins, more fines and publicity about them.
  - (viii) None I couldn't see any changes that would enrich the town.
  - (ix) Volunteer patrols.
  - (x) Publicised enforcement.
  - (xi) Do not allow retractable leads.
  - (xii) Bring back dog licence.
17. The feedback from the consultation process demonstrated that there is a level of concern regarding irresponsible dog ownership and more should be done to encourage better behaviour. There was an understanding that there are limited resources both within the Police and Council.
18. Throughout the consultation the suggestion of segregated dog exercise areas was raised. This is not directly related to the renewal of the PSPO but may need to be considered separately as the Council does not have any segregated dog exercise areas in the Borough.

### **Business Consultation**

19. A separate consultation has taken place with dog walking businesses, who state the following.

Sample comments.....

*“We are still seeing activity in some areas that cause angst, for example green spaces where children frequent, and there is an expectation to see more done on the persistent offenders who don’t care and are out usually during out of work hours.”*

*“No comment on the current restrictions to excluded areas, cemeteries, etc.”*

*“Further comments would be an expectation to introduce further restrictions to enhance public safety around dogs. A growing number of local authorities around the UK are bringing in controls to limit the number of dogs being walked by an owner or handler or professional of between 3 and 4 – I’ve listed those announced in the last month.”*

### **Kennel Club Advice**

20. The Kennel Club would advise not to introduce banning dogs from cemeteries, this is supported by the public consultation in that several people visiting loved ones’ graves find it emotionally comforting to take their dog. They suggest dogs should be kept on leads in the cemeteries and ‘policed’ more effectively.

### **Communities and Local Services Scrutiny Committee**

21. At their meeting on 24 August 2023, Members considered a report on the Renewal of Public Space Protection Orders for dogs.
22. Members resolved that as part of the consultation process, Cabinet be advised that this Committee supports the renewal of the existing Dog Public Space Protection Order (PSPO) on the proviso that the consultation process does not identify a requirement for amendments to the PSPO.

### **Evidence**

23. Issuing fixed penalty notices under the PSPO is used as a last resort. Officers offer advice and informal warnings initially in relation dog related offences, including dogs off leads in and dogs within exclusion areas. Most people act upon the advice given. However, the PSPO provides the framework to escalate matters should advice and guidance not be heeded.
24. There have been two successful dog related campaigns over the past two years. ‘Bag it and bin it’, is an enforcement campaign which is intelligence led and encourages the community to provide the Council with intelligence in relation to repeat offenders.
25. ‘Walk this Way’ was an educational dog campaign in partnership with the Dogs Trust, which was piloted in the Baydale Beck area. There was considerable reductions in the number of dog fouling incidents in the area following the launch of this campaign.
26. From 2020-2023, the Council had received the following requests with regard to dog related matters:

- (a) 688 requests to clean up dog faeces, compared to 730 the previous three years.
27. During the same period, officers have carried out the following enforcement actions:
- (a) Issued 24 warning letters for out of control dogs.
  - (b) Issued 9 community protection notices for out of control dog.
28. In addition, the following Fixed Penalty Notices have been issued.
- (a) 2020: 0 for dog fouling, 1 for failing to put on a lead.
  - (b) 2021: 4 for dog fouling, 2 for failing to put on a lead.
  - (c) 2022: 2 for dog fouling and 1 for failing to put on a lead.
  - (d) 2023: 2 for dog fouling and 1 for failing to put on a lead.

### **Proposed Public Space Protection Order for Control of Dogs**

29. It is evident from the consultation that there is strong support for the existing PSPOs. Therefore, taking on board the consultation and evidence available, it is proposed to renew the PSPO covering the same elements:
- (a) Failure to remove dog faeces;
  - (b) Not keeping a dog on a lead on specified land;
  - (c) Not putting a dog on a lead and keeping on a lead when directed by an authorised officer;
  - (d) Permitting a dog to enter land from which dogs are excluded;
  - (e) Not keeping a dog on a lead in East, North and West Cemeteries.
30. Under a PSPO, it is an offence if an individual fails to comply with restrictions and is punishable by a fine of up to £1,000 or by a Fixed Penalty of up to £100.
31. It must be noted that the majority of people comply in terms of putting a dog on a lead by direction, under the PSPO they need to be given the opportunity to put the dog on the lead prior to a fine being issued for refusal to comply.
32. Where the PSPO is in force, an authorised Council officer, Police Officer or Police Community Support Officer witnessing behaviour that breaches the conditions, may challenge the individual concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.
33. Any PSPO introduced will be for a three-year period, at which time it must be extended or it would cease. The Council have the power to remove specific prohibitions or end the PSPO early, for example, if an activity no longer existed. If any significant new issues arose during the PSPO, the Council can vary the prohibitions.
34. A copy of the proposed PSPO is attached at Appendix 2.

## **Equalities Implication**

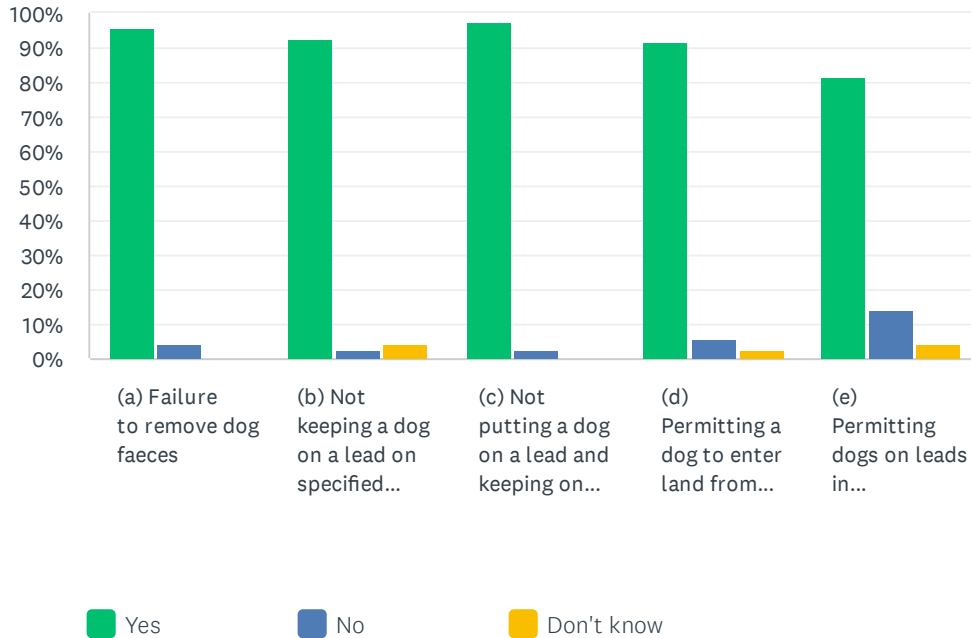
35. It is proposed to put in place exemptions for anyone with an assisted dog for all of the PSPO areas with the exclusion of failure to remove dog faeces.
36. It is proposed to exclude registered blind individuals with an assisted dog and other individuals with disabilities who have mobility dexterity issues and are unable to pick up dog faeces from this offence.
37. Officers will obviously be able to apply common sense when enforcing the PSPO involving residents with disabilities or other impairments.

## **Legal Implications**

38. Under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014, any individual who lives in the restricted area or who regularly works in or visits that area, may apply to the High Court to question the validity of a PSPO. The grounds on which an application under this Section may be made are either; that the Local Authority did not have the power to make the Order, or to include particular prohibitions or requirements imposed by the Order, or that a requirement under the 2014 Act was not complied with.
39. If on an Order under this Section, the High Court is satisfied that a) the Local Authority did not have the power to make the PSPO or to include particular prohibitions or requirements imposed by it, or b) the interests of the applicant have been substantially prejudiced by a failure to comply with the requirement under the 2014 Act, the Court may quash the PSPO or any of the prohibitions or requirements imposed by it. It is therefore important that a thorough consultation exercise is carried out in order to mitigate the risks of such a challenge, should a decision ultimately be made to introduce the PSPO.
40. This consultation has been carried out, which is included in this report for Members' consideration.

## Q1 We propose to keep all five elements as part of the new PSPO's, do you agree?

Answered: 70 Skipped: 0



	YES	NO	DON'T KNOW	TOTAL	WEIGHTED AVERAGE
(a) Failure to remove dog faeces	95.71% 67	4.29% 3	0.00% 0	70	1.04
(b) Not keeping a dog on a lead on specified land (see maps for specified areas)	92.86% 65	2.86% 2	4.29% 3	70	1.11
(c) Not putting a dog on a lead and keeping on the lead when directed by an authorised officer	97.14% 68	2.86% 2	0.00% 0	70	1.03
(d) Permitting a dog to enter land from which dogs are excluded (see maps for specified areas)	91.43% 64	5.71% 4	2.86% 2	70	1.11
(e) Permitting dogs on leads in cemeteries.	81.43% 57	14.29% 10	4.29% 3	70	1.23

## Q2 Please add any comments that you would like to make about these proposals.

Answered: 38 Skipped: 32

#	RESPONSES	DATE
1	I think the rules around not letting dogs into tennis court areas in public parks (denes and Stanhope road) are silly when those spaces are empty - for some people it would be a safe and sensible place to let their dog off if it's empty (penned in, no risk of recall issues). Absolutely agree if the space is in use not to, but if it's empty then I think the fine shouldn't apply. The dogs off leads needs to be better policed. I have a reactive dog and try to keep to areas where it is on lead only as a result. Lost track of the number of off leads dogs that have run up to her.	8/13/2023 11:05 AM
2	I enjoy seeing dogs enjoying themselves. I only have an issue with people mis treating them or leaving their mess.	8/10/2023 8:37 PM
3	Don't go far enough. What about dangerous dogs and XL bully breeds having to wear muzzles	8/10/2023 3:10 PM
4	I strongly agree with dogs on leads should be permitted in the town cemeteries. 1) Many of the town cemeteries like North Cemetery or East Cemetery provide connecting shortcuts & footpaths to the local areas. Prohibiting people with dogs from these areas could seriously impact peoples lives and would probably increase car journeys. 2) People should be able to take much loved pets to visit loved ones graves. This can bring comfort to the family grieving including the dog, as they will pick up on the mood of their owners. With regard to permitting dogs to enter land from which dogs are normally excluded, I strongly agree that dogs should continue to be prohibited from schools and children's play areas. Although I do agree that sports recreation areas and parkland fields should be dog friendly.	8/7/2023 1:54 PM
5	Alot if older people walk to cemetery with perhaps their only companion. If the dog is on a lead it is an unnecessary restriction and unjustified.	8/5/2023 9:03 PM
6	Dogs should be allowed to visit cemeteries whilst on a lead. They are a huge part of the family, and grieving process. To not permit can cause a lot of distress and upset. I do not agree with not permitting them	8/5/2023 6:58 PM
7	1. play area gates in many areas have been standing open for long periods of time, thus allowing in dogs who then scare the children. Can these gates be repaired/replaced immediately they are reported. The cctv camera operatives never seem to call out the dog warden when dogs are in the play areas. 2. The dogs in cemeteries are being allowed to wander over graves whether on or off leads -walkers with long leads on their dogs should know they should be on short leads by law in cemeteries - or they should all be banned. Far too many disrespectfully allow dogs to urinate around gravestones that is appalling, but leaving faeces is too. For those who bag it and bin it, the cemetery baskets are not suitable. The poor workers must dread strimming the grass ! There are not enough officers POLICING the laws.	8/5/2023 2:08 PM
8	I feel that the rise in dangerous dog incidents and lack of respect, by dog owners, in public spaces, is getting silly. There are times that I'm afraid for my children's safety when we walk down a street now.	8/4/2023 6:11 PM
9	I live in Wildair close west park and last year went into the park with my granddaughter when a lady with two dogs not on leads ran up to her she was petrified I asked the lady to put them on leads as she is frightened only to get verbal abuse we won't go again even though we pay the levy .	8/4/2023 3:40 PM
10	I live in Middleton St George and the amount of dog feaces I see is unbelievable how are you going to keep on top of it here maybe add more bins but more needs to be done	8/4/2023 1:51 PM
11	Observed numerous dogs allowed off leads in cemeteries, increase in dog mess, dogs urinating on gravestones.	8/4/2023 12:07 PM
12	More important things for you to worry about than people walking their dogs.	8/4/2023 11:29 AM

## Public Space Protection Orders (PSPO) – Dog Control

13	If a dog is on a lead in a cemetery I don't see the potential for harm or damage? Often cemeteries are a great place to walk round if you are looking for somewhere quiet and know your dog won't be approached by an off lead dog, this is particularly pertinent to rescue dogs	8/4/2023 10:23 AM
14	Dogs should always be on a lead in public places and should not be allowed in cemeteries whether on a lead or not.	8/3/2023 6:22 PM
15	As I couldn't access the map, I can't comment on the 'areas' where dog should be put on a lead. As for the other points any law abiding citizen would follow those. There is no one to police the rules though.	8/2/2023 8:42 PM
16	I am professional dog walker and I live and work in Darlington. Whilst I agree with the 5 areas you have previously outlined, I would like to make one point. I would ask is that if you are thinking of introducing limits to the number of dogs any individual can walk (like has been brought in to other areas) please consider the nature and location that people are walking their dogs too rather than a fixed number, one size does not fit all. I walk various size groups depending on the breeds and their temperament as well as where I walk them. There are some fantastic companies in Darlington who offer secure fields for private hire. I, along with many other local professionals, use these fields so that we can take bigger groups than we would in a public space, whilst enjoying the safety of an enclosed environment and the great facilities provided. Introducing sweeping limits would greatly affect dog walking professional who take extreme care with the safety other their dogs as well as these small businesses who do a fantastic job. These secure fields offer a safe space for people to take their dogs that may have reactivity or recall issues and by driving professionals away who book regularly, this may lead to these businesses being unable to continue offering their services to individuals which means these dogs with special needs, are forced into public spaces which could have negative consequences for the dog, their owners and the wider public if incidents were to occur. Incidents that could be avoided if these safe spaces are supported rather than limited.	7/29/2023 2:49 PM
17	As a responsible dog owner I fully support these elements of the PSPO. My concern is how they are implemented, it seems many dog owners flout these rules, dogs off leads and faeces not picked up. Are there enough staff to 'police' these rules.	7/29/2023 7:39 AM
18	There should be no reason that a dog shouldn't be allowed to walk in cemeteries (on lead only). These spaces are enjoyed by many as areas of natural beauty as well as visiting loved ones and provided dogs remain in control and on lead with all waste picked up there's no reason they shouldn't be able to enjoy these spaces too.	7/27/2023 2:58 PM
19	I agree with these proposals	7/27/2023 8:33 AM
20	Excluding dogs from cemeteries is ridiculous. For many people a dog is a family member and a support mechanism in times of loss. Correctly leashed, a dog is an entirely appropriate accompanying support when visiting siting a grave. Indeed many dogs are better behaved and more respectful than many humans. Just ensure poop is cleaned up.	7/26/2023 11:08 PM
21	Areas outside school entrances should also be included in the "on a Lead" scenario.	7/26/2023 8:32 PM
22	I wholeheartedly agree with all five elements included in the PSPO, but more needs to be done to highlight and enforce the rules. There is still a diehard minority who do not pick up after their dogs and others who walk them off lead in areas they should be on a lead ie town centre/rear of town hall and formal areas of South Park to name two locations. Owners also need to be reminded that not everyone 'likes' dogs and not all dogs are 'friendly' so should stop their dogs running up to them.	7/26/2023 1:15 PM
23	It looks like many people have now more than 1 dog per household. This create even more pollution in the town as many are not responsible owners.	7/23/2023 9:59 AM
24	How will this be policed. There are many dogs off lead in the South Park when not supposed to.	7/17/2023 9:48 PM
25	I've ticked yes for point e, because I think you mean it will be permitted to walk a dog on a lead in cemeteries. It's not particularly well-worded. I am a dog owner and support sensible policies about dogs, but feel it's very important that dogs and their owners aren't unfairly targeted.	7/17/2023 3:05 PM
26	I can see circumstances where someone might wish to walk into a cemetery with dog. At times that is perfectly acceptable. I guess the issue is, as always, a matter of degree and control	7/17/2023 2:56 PM

## Public Space Protection Orders (PSPO) – Dog Control

27	With an increase in dog ownership and also dog attacks then encouraging responsible dog ownership is essential.	7/17/2023 2:47 PM
28	If a dog is trained properly they should be allowed off lead. I don't understand why dogs can't go in playgrounds, school grounds as long as they are kept on a lead as not allowing them in these places makes it difficult for parents that want to walk their dogs to collect children from school or walk to the park. Surely as long as dog owners are responsible and clear up after the dog and keep them on leads there shouldn't be an issue.	7/17/2023 1:21 PM
29	The current PSPOs aren't enforced so what is the point in extending them? Every time I visit South Park there are dogs off lead on areas that are supposed to be on lead only.	7/17/2023 1:06 PM
30	I agree with all of the above but cannot often see how they are policed. There are frequently dogs off leads in the South Park.	7/17/2023 1:01 PM
31	Problem who is going to ensure that the regulations are adhered to? Tennis courts in Stanhope Park used regularly as a dog exercise area. We've tried to contact the relevant body, by the time the answerphone message finishes and the dog warden arrives in the vehicle, finds a place to park the offender has left the tennis courts. Frequent appearance, walking round the park, of those employed to ensure the regulation are enforced is vital. They might also come across people drinking alcohol in the park. Regulations without enforcers a waste of time.	7/17/2023 12:48 PM
32	Clear signage ALL entrances to cemeteries that dogs must be kept on lead. Tennis Dene should be on lead only as dogs are allowed to eliminate in children's play area. More on lead parks for dogs.	7/16/2023 12:36 PM
33	All necessary still especially in the light of increasing dog ownership.	7/12/2023 8:20 AM
34	Having moved to Darlington from Stockton in the last year, I am dismayed by how much of a mess local dog owners leave on pavements here. And also how little respect they have for areas that state dogs must be on lead - South Park being the main offender. I have a very calm and well behaved dog, who is always on lead, yet he gets charged at by others dogs in areas that should be safe for us to walk as they have on lead rules. He then becomes upset and gets the blame for being aggressive, when we've done nothing wrong. I wholeheartedly agree that people must pick up after their dogs, that dogs should be on lead in designated areas, that owners must follow directions from officers - it would make like a lot more pleasant for us responsible dogs owners as well as non-dog people, but there has to be serious enforcement in place. At present it seems very obvious that there isn't, therefore hardly anyone takes any notice of the rules.	7/10/2023 5:47 PM
35	Dog fouling in this town is horrendous I would like to see more measures to tackle it you are too lenient	7/7/2023 3:26 PM
36	Dogs should be placed on leads in the streets. As well as when other owners request dogs to be put on leads to protect the dogs due to being reactive	7/7/2023 10:55 AM
37	Well thought out pspo's protecting the people in and around the town, to note Darlington has a great dog walking community of owners and the current approach is commendable	7/7/2023 10:09 AM
38	Places where dogs are supposed to be on lead ie South Park should be policed somehow as some people don't and there seems to be no repercussions.	7/7/2023 9:47 AM



### Q3 If you have any other ideas on how we can improve dog control in Darlington please add them here.

Answered: 42 Skipped: 28

#	RESPONSES	DATE
1	"Dog park" spaces - penned in like the children's play area in play dene/a tennis court would be, so dogs and owners can let their dog run around/play fetch safely with barriers to stop other dogs running up or dogs running into road.	8/13/2023 11:05 AM
2	If people have a dog that they know can be problematic they should have appropriate muzzle and not be let off the lead in public places.	8/10/2023 9:28 PM
3	Dog mess is the biggest problem. Please remove the covid stickers from all the bins- they are unsightly, unnecessary and should have been removed years ago. Please clear the bins regularly and ensure there are plenty of them. Punish people who leave dog mess.	8/10/2023 8:37 PM
4	More dog wardens and dog bins.	8/10/2023 3:10 PM
5	I am concerned about aggressive and dangerous dogs or even just noisy dogs in some locations	8/10/2023 10:09 AM
6	As a dog owner, there seems to be an anti-dog activist like campaign against dogs in general, which I believe has risen in part due to the increases ownership of dogs after covid. And whilst I agree that some of the concern is valid and I agree there should be restrictions of dogs in certain areas of the town such as schools, children's play areas, etc. As a responsible dog owner, I must strongly push back against prohibiting dogs from being off lead on all public land, such as parkland. Dogs need exercising off-lead to be a fully happy and well adjusted dog. I walk my dogs over Eastbourne & Lascelles parks, they have good recall and are lead walked when required. If they were banned from these areas, my dogs would not get the level of exercise required as I would have to drive to other dog friendly area for their daily walk. Some people such as the elderly may not have this luxury.	8/7/2023 1:54 PM
7	More dedicated staff to patrol well used dog walking areas to manage dog mess. More dog bins needed with more regular emptying. Ticsoac units in place to dispense dog poo bags. More cameras to catch culprits and stronger penalties.	8/5/2023 6:58 PM
8	Dogs to be on leads in all public spaces. The amount of dog owners who who are unable to control their animals and allow them to do their business and not pick it up is a disgrace.	8/5/2023 3:35 PM
9	You make it sound as though it is an offence to walk dogs on leads in cemeteries.	8/5/2023 2:08 PM
10	More dog waste bins	8/5/2023 1:03 PM
11	More dog buns up and down the black paths along west park, faverdale etc as you cannot use the paths for all the dog faeces that are left there. I'm constantly having to clean the pram wheels of it before I get in the house	8/5/2023 10:41 AM
12	The amount of dog faeces on pavements is out of control. Have you considered installing dispensers in high rate areas that would provide dog owners with access to poo bags? I think this might improve matters albeit the same culprits are likely to still not bother	8/4/2023 4:25 PM
13	Make all public areas that dogs have to be on leads or have cordoned off areas for them to run.	8/4/2023 3:40 PM
14	New laws	8/4/2023 1:51 PM
15	Volunteer patrols	8/4/2023 12:07 PM
16	Public areas such as the South Park should be made areas where dogs are kept on leads due to the amount of dog attacks and people who havent taught their dog recall. There are plenty of secure fields that can be hired out if people want to let their dogs off.	8/4/2023 10:23 AM
17	1) Do not allow retractable dog leads as dogs can wander too far from their walker to be under	8/3/2023 6:22 PM

## Public Space Protection Orders (PSPO) – Dog Control

proper control 2) Bring back some form of dog license to help pay for the policing of the scheme and the emptying of dog bins.

18	Perhaps make more PCSOs police dog walking areas although they have no real authority they could report back to those that have.	8/2/2023 8:42 PM
19	In addition to my point raised above, one thing that I have noticed personally and from speak to clients is that when incidents with dog control occur, such as aggressive or dog attacks, it is often difficult to obtain any information about the dog or owner other than what you observe. Often because people are in such a rush to remove their dog and themselves from a nasty situation. This makes reporting incidents difficult and often go unreported because people feel they don't have any evidence to back up their claim. Too many times people only hear about such things from social media which can distort facts. Encouraging people to come forward with their experiences and the council using their own social media voice to make dog owners aware of issues from a trusted source, would allow people to take precautions and be more aware if they are walking their dogs in an area where incidents have occurred, rather than these things going unreported. I understand that just one person reporting someone with a very limited description is almost impossible for the council to act on, but if multiple people from the same area all reported incidents then it would show that there is a bigger issue that warrants more attention.	7/29/2023 2:49 PM
20	I think something should be added about controlling your dog, particularly if they are aggressive I.e. keeping them away from children, other people and dogs. Dogs can still cause harm if they are on a lead	7/27/2023 8:33 AM
21	Enforce penalties more rigorously when people do not pick up poop or leave bags hanging from trees etc.	7/26/2023 11:08 PM
22	Publicised enforcement via social media, shared to groups that feature Darlington news.	7/26/2023 8:32 PM
23	The dog warden and enforcement officers do their best, but probably need more of them on the streets carrying out patrols/enforcement, and perhaps more CCTV cameras with 'speakers' to tell owners when they're breaching the rules.	7/26/2023 1:15 PM
24	I think people with dogs should be taxed more due to all the pollution they create. Darlington is not as clean as it used to be unfortunately. Or maybe there should be a restriction on how many pets you can own when you live in town.	7/23/2023 9:59 AM
25	More poo bins and poo bins emptied more frequently.	7/17/2023 7:07 PM
26	Limit the number of dogs being walked together at any one time. Again, a matter of degree - 5 small dachshunds would not be a problem. 3 large alsations, akitas huskies etc probably would not be OK. Appreciate these things are difficult to legislate for.	7/17/2023 2:56 PM
27	Controlling off lead dogs on pavements and through local villages. I've witnessed dogs being run over, chasing resident cats in their own gardens and owners ignoring their dog leaving a mess. Also the numbers of professional dog walkers walking large packs of dogs is concerning.	7/17/2023 2:47 PM
28	Do you have a limit as to how many dogs one person can walk at a time? Especially if they are off lead as it can be very intimidating when I am out with my little grandchild	7/17/2023 2:04 PM
29	More controls on breeding and selling dogs. Tougher fines for owners who's dogs are constantly getting loose and running wild Tougher fines for owners who's dogs are aggressive and out of control	7/17/2023 1:21 PM
30	Enforce microchipping when dogs are dealt with by the dog warden. More education on responsible dog ownership such as press releases, social media campaigns and promoting dogs trust courses. Work with minority communities such as travellers and Polish communities to ensure that the requirements are understood and complied with	7/17/2023 1:06 PM
31	More waste bins in the Carmel Road area.	7/17/2023 1:01 PM
32	More visible staff in the public areas.	7/17/2023 12:48 PM
33	Too many owners walk off lead dogs in the streets. Some straying into the road in front of traffic. The following should be enforced: Highway Code, Rule 56. Dogs. Do not let a dog out on the road on its own. Keep it on a short lead when walking on pavement, road or path shared with cyclists or horse riders. Road Traffic Act 1988 27. Control of dogs on roads. 1 a) A person	7/16/2023 12:36 PM

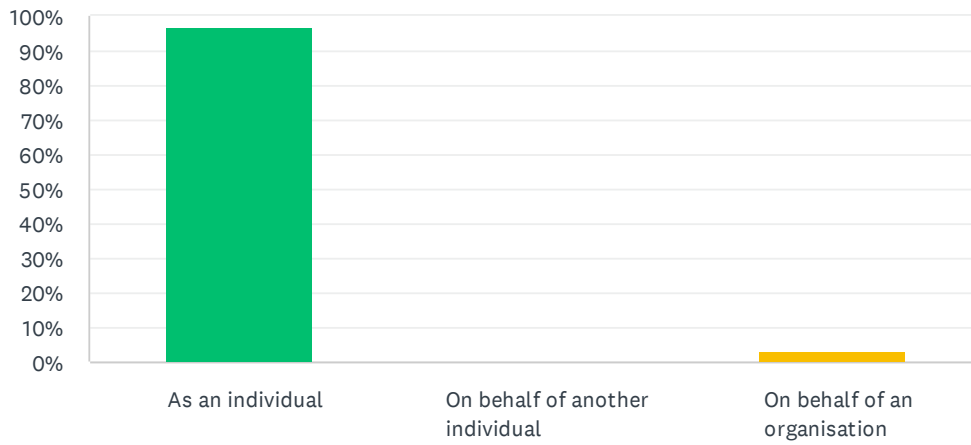
## Public Space Protection Orders (PSPO) – Dog Control

who causes or permits a dog to be on a designated road without the dog being held on a lead is guilty of an offence. On DBC website you have listed number 4 of the 5 Freedoms as "to be able to get on with other animals" - this is not one of the 5 Freedoms. Should be 'need to be housed with or apart from other animals as appropriate'

34	The town needs more dog waste bins and stronger enforcement of this policy, including the keeping of dogs on leads on streets and in the town.	7/12/2023 7:01 PM
35	More litter bins, more fines and publicity about them. 'Nudge' and overt messages to make dog owners take proper responsibility for their animals.	7/12/2023 8:20 AM
36	It may be easier to enforce if the whole borough was designated that dogs must be on lead (including on pavements and in residential areas, not just parks etc.), with just some specific, contained areas where dogs are allowed off lead. If people knew the general rule is that their dogs must be kept on lead and they have to go to a specific place for them to be off lead, perhaps those who claim ignorance of on lead signs would be in the minority rather than the majority.	7/10/2023 5:47 PM
37	A designated dog off lead fenced exercise area in the borough would be nice. For example there is an abandoned park in Middleton St George, behind station road. Dogs are not allowed in however it would be perfect for off lead exercising.	7/8/2023 8:47 PM
38	Simply need more staff to counteract the problem	7/7/2023 3:26 PM
39	Dog walkers shouldn't be allowed to walk more than 6 dogs at once.	7/7/2023 3:20 PM
40	None, I couldn't see any changes that would enrich the town. Apart from enforcement of dog fouling being stricter	7/7/2023 10:09 AM
41	Keeping dogs on lead at all times in public places as some people just can't control them, hence the increase in dog attacks.	7/7/2023 9:47 AM
42	Place your dog on leads when families or other dogs approaching if they are on leads. Prosecuting and removal of dogs from someone who repeatedly let's them stray and/or is know for not controlling their dog and letting it attack other dogs. This should be a ban for life.	7/7/2023 9:46 AM

## Q4 Are you responding to this consultation .....

Answered: 66 Skipped: 4



ANSWER CHOICES	RESPONSES	
As an individual	96.97%	64
On behalf of another individual	0.00%	0
On behalf of an organisation	3.03%	2
<b>TOTAL</b>		<b>66</b>

## Q5 Please enter the organisation name.

Answered: 4 Skipped: 66

#	RESPONSES	DATE
1	[REDACTED]	7/29/2023 2:50 PM
2	[REDACTED]	7/26/2023 1:16 PM
3	[REDACTED]	7/17/2023 8:17 PM
4	[REDACTED]	7/7/2023 9:52 AM

## Q6 Please enter your postcode.

Answered: 60 Skipped: 10

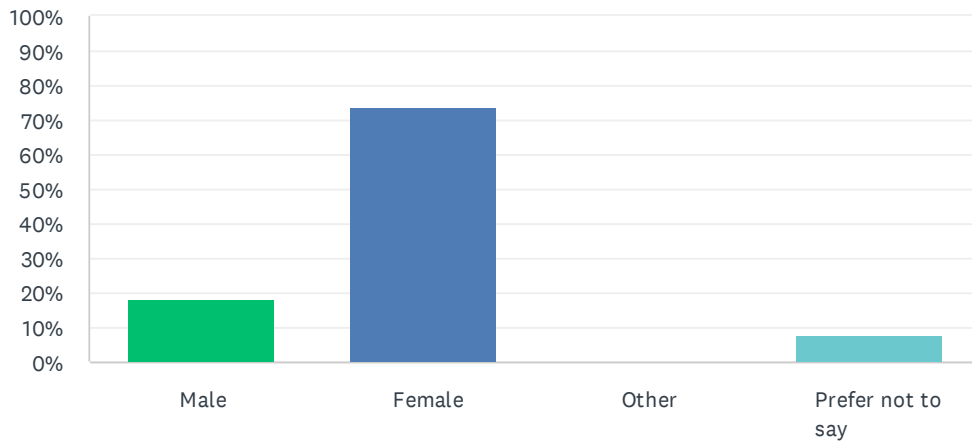
#	RESPONSES	DATE
1	DL3	8/13/2023 11:06 AM
2	DL3	8/10/2023 9:29 PM
3	DL3	8/10/2023 8:37 PM
4	DL2	8/10/2023 3:10 PM
5	DL3	8/10/2023 10:10 AM
6	DL1	8/7/2023 1:54 PM
7	DL1	8/5/2023 9:04 PM
8	DL2	8/5/2023 6:59 PM
9	DL2	8/5/2023 3:35 PM
10	DL1	8/5/2023 2:10 PM
11	DL1	8/5/2023 1:04 PM
12	DL2	8/5/2023 10:42 AM
13	DL1	8/5/2023 9:50 AM
14	DL1	8/4/2023 6:11 PM
15	DL3	8/4/2023 4:39 PM
16	DL1	8/4/2023 4:26 PM
17	DL2	8/4/2023 4:12 PM
18	DL2	8/4/2023 4:10 PM
19	DL2	8/4/2023 3:41 PM
20	DL2	8/4/2023 1:52 PM
21	DL3	8/4/2023 12:07 PM
22	DL1	8/4/2023 10:47 AM
23	DL3	8/4/2023 10:24 AM
24	DL3	8/3/2023 6:23 PM
25	DL1	8/2/2023 8:42 PM
26	DL3	8/2/2023 3:40 PM
27	DL2	7/29/2023 4:21 PM
28	DL2	7/29/2023 2:50 PM
29	DL3	7/29/2023 7:40 AM
30	DL3	7/28/2023 1:40 PM
31	DL3	7/27/2023 2:59 PM
32	DL2	7/27/2023 8:34 AM
33	DL2	7/26/2023 11:09 PM

Public Space Protection Orders (PSPO) - Dog Control

34	DL1	7/26/2023 8:32 PM
35	DL1	7/26/2023 3:41 PM
36	DL1	7/26/2023 1:24 PM
37	DL1	7/26/2023 1:16 PM
38	DL1	7/23/2023 9:59 AM
39	DL1	7/17/2023 9:49 PM
40	DL1	7/17/2023 9:32 PM
41	DL3	7/17/2023 8:17 PM
42	DL1	7/17/2023 3:05 PM
43	DL2	7/17/2023 2:57 PM
44	DL2	7/17/2023 2:48 PM
45	DL1	7/17/2023 2:05 PM
46	DL3	7/17/2023 1:21 PM
47	DL1	7/17/2023 1:06 PM
48	DL3	7/17/2023 1:02 PM
49	DL3	7/17/2023 12:49 PM
50	DL3	7/16/2023 12:36 PM
51	DL1	7/12/2023 7:01 PM
52	DL1	7/12/2023 8:21 AM
53	DL1	7/10/2023 5:48 PM
54	DL2	7/8/2023 8:47 PM
55	DL1	7/7/2023 5:08 PM
56	DL3	7/7/2023 3:27 PM
57	DL1	7/7/2023 10:55 AM
58	DL2	7/7/2023 10:10 AM
59	DL1	7/7/2023 9:52 AM
60	DL3	7/7/2023 9:46 AM

### Q7 What is your, or the person on whose behalf you are responding, sex?

Answered: 65 Skipped: 5

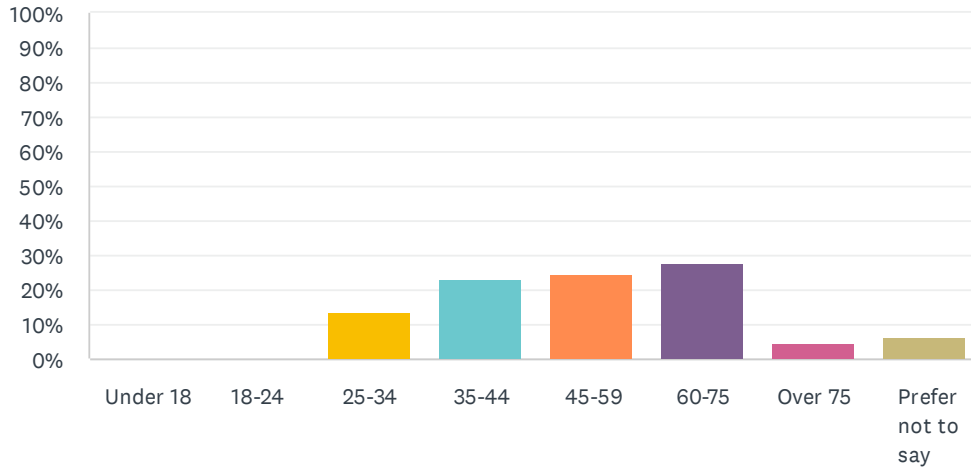


ANSWER CHOICES	RESPONSES	
Male	18.46%	12
Female	73.85%	48
Other	0.00%	0
Prefer not to say	7.69%	5
<b>TOTAL</b>		<b>65</b>



## Q8 What age group do you, or the person on whose behalf you are responding, fall into?

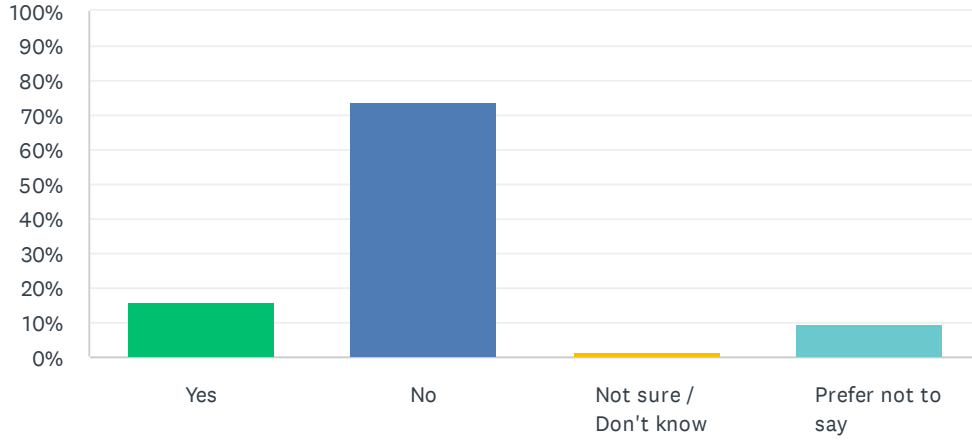
Answered: 65 Skipped: 5



ANSWER CHOICES	RESPONSES
Under 18	0.00% 0
18-24	0.00% 0
25-34	13.85% 9
35-44	23.08% 15
45-59	24.62% 16
60-75	27.69% 18
Over 75	4.62% 3
Prefer not to say	6.15% 4
<b>TOTAL</b>	<b>65</b>

### Q9 Do you, or the person on whose behalf you are responding, consider yourself / themselves to have a disability?

Answered: 64 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	15.63%	10
No	73.44%	47
Not sure / Don't know	1.56%	1
Prefer not to say	9.38%	6
<b>TOTAL</b>		<b>64</b>

## Q10 What is your ethnic group?

Answered: 65 Skipped: 5



ANSWER CHOICES	RESPONSES	
White Includes British, Northern Irish, Irish, Gypsy, Irish Traveller, Roma or any other White background	90.77%	59
Mixed or Multiple ethnic groups Includes White and Black Caribbean, White and Black African, White and Asian or any other Mixed or Multiple background	1.54%	1
Asian or Asian British Includes Indian, Pakistani, Bangladeshi, Chinese or any other Asian background	0.00%	0
Black, Black British, Caribbean of African Includes Black British, Caribbean, African or any other Black background	0.00%	0
Other ethnic group Includes Arab or any other ethnic group	0.00%	0
Not sure / Don't know	0.00%	0
Prefer not to say	7.69%	5
<b>TOTAL</b>		<b>65</b>

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**DARLINGTON BOROUGH COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PUBLIC SPACES PROTECTION ORDER – DOG CONTROL**

**Number 1 of 2023**

Notice is hereby given that Darlington Borough Council (“the Council”) in exercise of its powers under sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met, make the following Order:-

**PRELIMINARY**

1. This Order applies to all land which is in the administrative area of the Council and which is open to the air (which includes land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access (with or without payment), with the exception of land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967. A map of this area appears at Schedule 1.
2. The Order may be cited as the Darlington Borough Council Public Spaces Protection Order – Dog Control and shall come into force on [insert date] for the duration of 3 years. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

3. The activities identified in paragraph 6 below have been carried out in public places within the Council's area and have had a detrimental effect to the quality of life of those living in the locality.
4. The Council is satisfied that the conditions set out in sections 59 and 72 of the Act have been met and that it is, in all the circumstances, expedient to make this Order in order to seek to reduce the detrimental effect on the quality of life of those in the locality caused by the activities listed in paragraph 6 below.
5. The effect or likely effect of these activities is, or is likely to be, of a persistent or continuing nature, such as to make these activities unreasonable, and therefore justifies the restrictions imposed by this Order.
6. The activities referred to are:
  - Dog fouling
  - Failure to put dogs on leads when requested
  - Failure to keep dogs on leads in prescribed areas
  - Failure to exclude dogs entirely from prescribed areas
7. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.
8. For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
9. For the purposes of this Order each of the following is a "Prescribed Charity"
  - (i) Dogs for the Disabled (registered charity number 700454)
  - (ii) Support Dogs (registered charity number 1088281)
  - (iii) Canine Partners for Independence (registered charity number 803680)

## **10. THE FOULING OF LAND BY DOGS**

(1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless —

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) Nothing in this article applies to a person who

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes of this article —

(a) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land; and

(b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

## **11. DOGS ON LEADS BY DIRECTION**

(1) In this Order "an authorised officer of the Council" means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

(2) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given to him by an authorised officer of the Council to put and keep the dog on a lead, unless —

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(3) For the purposes of this article an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this order applies] or the worrying or disturbance of any animal or bird.

## **12. DOG EXCLUSION AREAS**

(1) This section of the Order only applies to the land specified in Schedule 2.

(2) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this section of the Order applies unless —

(a) he has reasonable excuse for doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(3) Nothing in this article applies to a person who —

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.



### **13. DOGS ON LEADS**

(1) This section of the Order only applies to the land specified in Schedule 3.

(2) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this section of the Order applies he does not keep the dog on a lead, unless —

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

### **EFFECT OF FAILING TO COMPLY WITH THIS ORDER**

15. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.

16. A person guilty of any offence listed above, in accordance with section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). The full text of section 67 of the Act is set out in Schedule 4 to this Order.

### **FIXED PENALTY NOTICES**

17. A constable or an authorised person may issue a fixed penalty notice to any person he or she believes has committed an offence under section 67 of the Act. The person will then have 14 days to pay a fixed penalty of £100. If payment is received within 14 days they will not be prosecuted.

18. Authorised person means a person authorised for the purposes of this section by Darlington Borough Council.

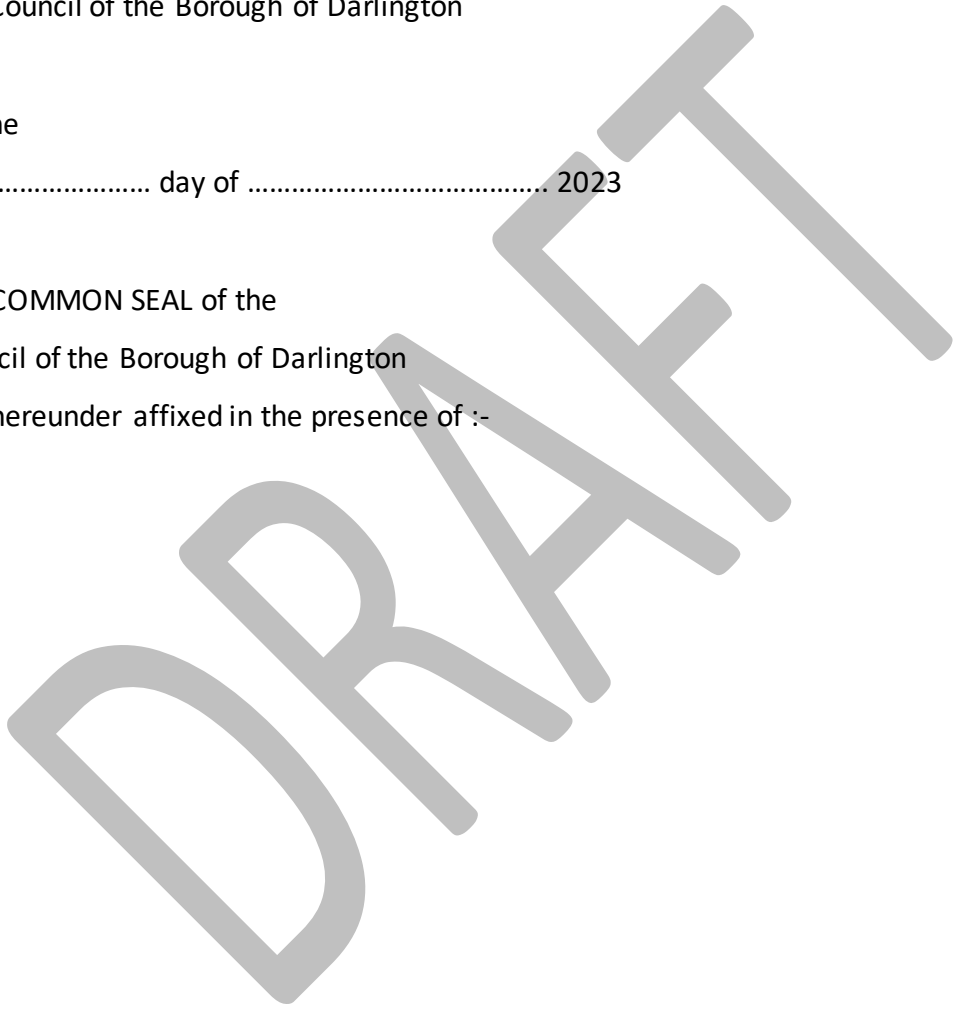
**CHALLENGING THIS ORDER**

19. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. There is further detail regarding this in Schedule 5 to this Order.

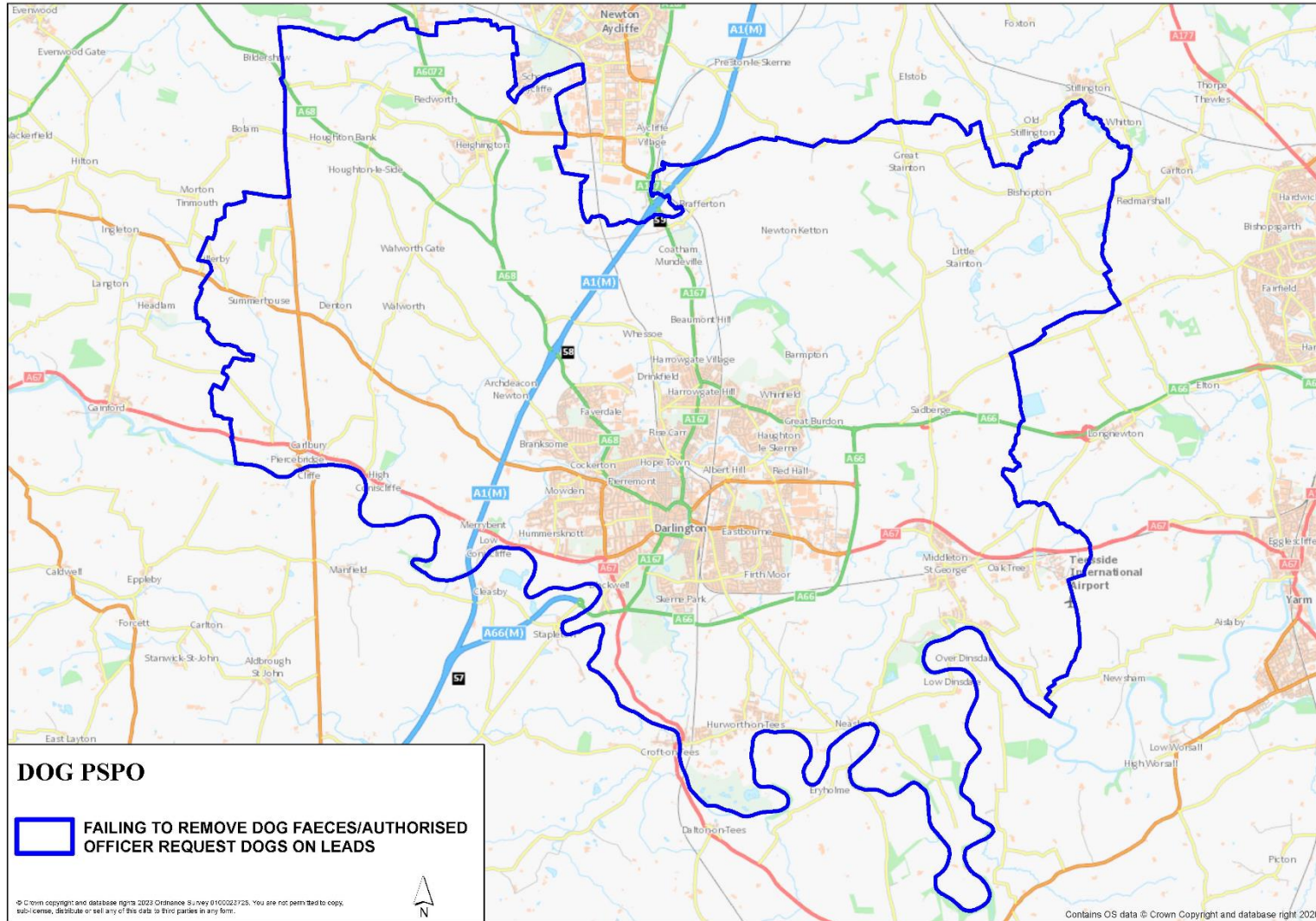
GIVEN under the common seal of  
The Council of the Borough of Darlington

On the  
..... day of ..... 2023

THE COMMON SEAL of the  
Council of the Borough of Darlington  
was hereunder affixed in the presence of :-



# SCHEDULE 1



## SCHEDULE 2

- Albert Hill Park - Enclosed Play Area (map 1)
- Alderman Crooks Park – Enclosed Play Area (map 2)
- Bensham Park – Enclosed Play Area (map 3)
- Bishopton Play Area (map 28)
- Brinkburn Dene – Enclosed Play Area (map 4)
- Brinkburn Dene – Tennis Dene (map 29)
- Broken Scar Sand Pit Area (map 5)
- Bushell Hill Park (whole site) (map 6)
- Branksome Park – Enclosed Play Area (map 7)
- Darrowby Drive – Enclosed Play Area (map 8)
- Eastbourne Park – Enclosed Play Areas (map 9)
- Eastbourne Sports Complex (map 10)
- Eastmount Road - Enclosed Play Area (map 11)
- Emley Moor Road Park – Enclosed Play Area (map 12)
- Ettersgill Park – Enclosed Play Area (map 13)
- Fryer Crescent – Enclosed Play Area (map 14)
- Grass Street – Enclosed Play Area (map 15)
- Green Park – Enclosed Play Area (map 16)
- Harrowgate Farm - Enclosed Play Area (map 17)
- Haxby Road and Station Road, Middleton St George – Enclosed Play Areas (map 18)
- Hurworth Community Centre – Enclosed Play Area (map 19)
- Lascelles Park – Enclosed Play Area (map 9)
- North Lodge Park – Enclosed Play Area, MUGA and Bowling Green (map 20)
- North Park – Enclosed Play Area and Bowling Green Centre (map 21)
- Parish Hall Lane and St Michaels Crescent Parks, Heighington (map 41)
- Pensbury Street – Enclosed Play Area (map 22)
- Red Hall - Headingley Crescent Enclosed Play Area (map 23)
- South Park – Enclosed Play Area, Skate Area and MUGA (map 24)
- Springfield Park – Enclosed Play Area (map 25)
- Stanhope Park – Tennis Courts (map 26)

West Auckland Park – Enclosed Play Area (map 27)

### **SCHEDULE 3**

Albert Hill Kick About Area (map 1)  
Arnold Road Allotments (map 10)  
Brinkburn Dene (Play Dene) (map 4)  
Broken Scar Play Area (unfenced) (map 5)  
Cockerton Allotments (map 33)  
Darlington Memorial Hospital – hospital grounds excluding residential area (map 34)  
Dodmire Allotments (map 9)  
Drury Street Allotments (map 35)  
East Cemetery (map 30)  
Eastbourne Sports Complex – parking area and footpath accessing site (map 10)  
Emley Moor Road Play Area (map 12)  
Field Street Allotments (map 15)  
Green Park Play Area (unfenced) (map 16)  
Honeypot Lane Allotments (map 36)  
Lascelles Allotments (map 9)  
North Cemetery (map 31)  
Red Hall Football Pitch (map 23)  
Sadberge Play Area (map 42)  
Salters Lane North Allotments (map 37)  
Salters Lane South Allotments (map 3)  
Skerne Green Play Area (map 43)  
South Park – all formal areas except the show field (map 24)  
Springwell Allotments (map 38)  
Station Road Play Area and Water Park, Middleton St George (map 18)  
Town Centre (map 39)  
West Auckland Road Allotments (map 33)  
West Cemetery (map 32)  
West Park Play Area (unfenced) (map 40)

## SCHEDULE 4

### Text of section 67 of the Act

- (1) It is an offence for a person without reasonable excuse—
- (a) to do anything that the person is prohibited from doing by a public spaces protection order or an expedited order, or
  - (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order or an expedited order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order or expedited order.
- (4) Consuming alcohol in breach of a public spaces protection order or an expedited order is not an offence under this section (but see section 63).

## **SCHEDULE 5**

### **Challenging this Order (Section 66 of the Act)**

1. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This right to challenge also applies where this Order is varied by the Council.
2. Interested persons can challenge the validity of this Order on two grounds: (1) that the Council did not have the power to make the Order, or to include particular prohibitions or requirements; or (2) that one of the requirements of the legislation has not been complied with.
3. When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

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**CABINET**  
**7 NOVEMBER 2023**

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## **ENVIRONMENTAL CRIMES - FIXED PENALTY NOTICES**

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**Responsible Cabinet Member -**  
**Councillor Amanda Riley, Stronger Communities Portfolio**

**Responsible Director -**  
**Dave Winstanley, Group Director of Services**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To update Members on new limits on Fixed Penalty Notices for environmental crimes and to seek approval to set new limits for waste related offences in line with revised national limits.

#### **Summary**

2. Individuals or organisations who commit environmental crimes can be prosecuted through the Courts. However, the Clean Neighbourhoods and Environment Act 2005 introduced the use of Fixed Penalty Notices (FPNs) as a way of Council's dealing with certain environmental offences.
3. Fixed Penalty Notices are currently used by council officers to deter environmental crime and in July 2023, the Government laid out a statutory instrument, the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 increasing the upper limits for various Fixed Penalty Notices (FPNs) to provide the ability to further deter offenders.
4. The new upper penalty limits are applicable to fly tipping offences, littering, graffiti and Duty of Care offences. The Council currently have agreed limits for these offences, and it is proposed to increase these to the maximum allowed, with discounts for prompt payment on some of the offences. The legislative changes are designed to give Local Authorities increased penalties to further deter environmental crime. For certain offences the Council will retain the option to progress through the Courts system to ensure it is dealt with as a crime rather than a financial penalty.
5. **Appendix 1** outlines the offences, the current penalty and the proposed penalty that Cabinet are being asked to consider. It also outlines the approach to young people caught offending.

## Recommendations

6. It is recommended that Cabinet approve:
- (a) The level of penalty for Fixed Penalty Notices be set at the maximum level, as detailed in Appendix 1.
  - (b) An early payment discount is available for littering and graffiti offences, if paid within seven days.
  - (c) That no early payment discount is available for fly tipping and duty of care offences.

## Reasons

7. The recommendations are supported by the following reasons:
- (a) To allow the new levels of penalty within the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 to be implemented.
  - (b) To set the level of penalty and any discounted charges for FPNs.

**Dave Winstanley**  
**Group Director of Services**

## Background Papers

The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023  
The Environmental Protection Act 1990  
The Environmental Offences (Fixed Penalties) (England) Regulations 2017

Anna Willey: Extension 6756

S17 Crime and Disorder	Increasing the upper penalty limit for waste offences will further deter individuals who commit environmental offences.
Health and Well Being	Enforcement of waste offences contributes to maintaining a clean environment, which has a positive impact on health and wellbeing.
Carbon Impact and Climate Change	There is no impact on carbon as a result of this report.
Diversity	There is no impact on diversity.
Wards Affected	All wards affected.
Groups Affected	All groups affected. Specific consideration is given to young people at Appendix 1.
Budget and Policy Framework	There is no impact on the Council Budget and Policy Framework.
Key Decision	No
Urgent Decision	No
Council Plan	Will contribute to Safer Darlington.

Efficiency	There is no impact on the Council’s Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers as a result of this report.

## MAIN REPORT

### Information and Analysis

8. Individuals or organisations who commit environmental crimes can be prosecuted through the Courts. However, legislation allows the use of Fixed Penalty Notices (FPNs) as a way of dealing with these environmental offences in certain crimes. For a particular crime, if a FPN is issued and the individual or organisation pays that penalty, then they cannot be prosecuted. If they fail to pay the FPN then prosecution will follow.
9. In some situations, such as major fly tipping, the Council will choose to proceed through the Courts as opposed to using FPNs as a way of dealing with this type of offence as it ensures the matter is dealt with as a crime through the Courts and the offender may get a criminal record rather than being dealt with purely as a financial penalty.
10. FPNs do provide an effective and visible way of responding to environmental crimes. Generally, experience has shown that the public welcome the use of FPNs, provided that they are issued sensibly, are enforced even-handedly and are seen as a response to a genuine problem.
11. FPNs have been used for many years for environmental crimes relating to litter, dog fouling and fly tipping. The level of evidence required to prove an offence of fly tipping to issue a FPN or go through the court process is considerable given it could result in a criminal offence, therefore the case must be proven beyond all reasonable doubt. Statements are required from witnesses or an admission of guilt from the alleged offender or CCTV evidence to prove who was responsible for the actual depositing of the waste.
12. In July 2023, the level of penalties available to Local Authorities changed the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023. This new legislation sets new maximum penalty limits. Attached at Appendix 1 is the current list of penalty amounts and proposed new amounts, with proposed early payment discount rates. The approach to how young people are managed if they are caught offending is outlined in the Appendix.
13. In addition to setting the new penalty limits, there is the opportunity to set discounts for early payment within 7 days, which are already in place. The standard period for payment for FPNs is set in legislation at 14 days. Once an FPN has been issued, an authority cannot prosecute for the offence if the FPN is paid within this period. Therefore, the period during which a discount for early payment is offered must be less than 14 days. It is therefore proposed that the seven-day discount period remains in place.
14. The amount that discounted penalties cannot fall below is set out within the relevant pieces of legislation. For both fly tipping and duty of care offences, it is found within the Environmental Protection Act 1990 and the minimum discounted figure for both is £120.

For littering and graffiti the minimum discounted amounts are set out in the Environmental Offences (Fixed Penalties) (England) Regulations 2017 and the minimum discounted figure is set at £50. It is proposed that the following discounts are applied in Darlington. The amounts are:

- (a) For littering and graffiti, the rate of £500 would be discounted to £150 if paid within seven days.
  - (b) As is currently the case, there will be no discount for the offences of fly tipping and duty of care.
15. The setting of penalties at maximum levels is to try and deter environmental crime and financially penalise those caught. However, it should be noted that setting the maximum penalty amount may result in fewer penalties being paid, resulting in Court action and monies going to the Courts rather than the Local Authority. However, payment rates are currently low.
16. Setting the maximum amount for a fly tipping offence, with no discount opportunity, does mean there is no discretion in terms of the penalty. We will review on a case-by-case basis on whether we take a fixed penalty approach or a Court approach.
17. The income generated by FPNs can be used by the Council to reinvest in enforcement services or improve the local environment with regard to the type of offences the penalties are issued for. The number of Court cases and FPNs are detailed below:

<b>Court Cases</b>	<b>Prosecution</b>	<b>s110</b>	<b>Total</b>
2022/2023		7	7
2023/2024	5	12	17
<b>Total</b>	<b>5</b>	<b>19</b>	<b>24</b>

**A Section 110 File** is where under the Environmental Act the defendant has received a Section 108 Environmental Direction to attend Central House Annexe to assist with our investigations on a certain date and time, and they do not respond to alter the date, or attend.

<b>Fixed Penalty Notice Issued (FPN)</b>	<b>Duty of Care</b>	<b>Fly tip</b>	<b>Littering</b>	<b>Dog</b>	<b>Total</b>
2022/2023	1	2	7	1	11
2023/2024	2	4			6
<b>Total</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>1</b>	<b>17</b>

### Consultation

18. No formal consultation has taken place on increasing the limit of FPNs.
19. The Council takes a proactive approach to awareness and publicity of FPNs, in particular, where extending the range of crimes FPNs will be applied to.

### **Legal Implications**

20. This report has been considered by the Assistant Director for Law and Governance for legal implications in accordance with the Council's approved procedures. There are no issues which the Assistant Director for Law and Governance considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Financial Implications**

21. Although the fines will increase, due to the numbers of FPN issued there will be limited impact on the budget

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Offence	Explanation	Act	DBC Current Penalty	Maximum Penalty allowed and DBC Proposed Penalty	Proposed DBC discounted Full Penalty	New Minimum penalty that can be set
<b>Littering</b>	A person is guilty of an offence if they throw down, drop or otherwise deposit and litter in any place in the area of a principle litter authority which is open to the public, accessible to the public and they leave it. Litter includes discarded cigarette ends and chewing gum.	Section 87 Environmental Protection Act 1990. (Offence of littering). Section 88 Environmental Protection Act 1990 (FPN for littering). Section 98 Environmental Protection Act (definition of litter).	£150 £75 if paid within 7 days	£500	£150	£65
<b>Graffiti</b>	An offence is committed where a person without lawful excuse destroys or damages any property belonging to another or is reckless as to whether the property is damaged or destroyed. This includes the painting or writing on, or the soiling or marking or other defacing of, any property by whatever means (criminal damage).	Section 43 ASB Act 2003 (Penalty notices for graffiti) Section 43A ASB Act 2003 (amount of penalty – inserted by s.28 Clean Neighbourhoods and Environment Act 2005). Section 44 ASB Act 2003 (definition of a relevant offence for purposes of s.43). Section 132 Highways Act 1980 (description of the offence).	£150 - reduced to £75 if paid within 7 days	£500	£150	£65
<b>Duty of Care</b>	Sec 34 of the Environmental Protection Act 1990 imposes a Duty of care on any persons who imports, produces, carries, keeps, treats or disposes of controlled waste or as a broker, has control of such waste. This includes householders who have a responsibility to dispose of their waste in the correct manner and to hire a reputable firm if using a third party to dispose of waste.	section 34(2A) of the EPA 1990	£250– no discount	£600	No discount	£150
<b>Fly Tipping</b>	It is an offence to deposit controlled waste or extractive waste or knowingly cause or knowingly permit controlled waste or extractive waste to be deposited in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the permit.	Section 33(1)(a) Environmental Protection Act 1990 (offence of fly tipping). Section 33ZA Environmental Protection Act 1990 (fixed penalty notices for contravention of 33 (1)(a).	£400– no discount	£1000	No Discount	£150

## **FIXED PENALTY NOTICES AND APPROACH TO YOUNG PEOPLE**

1. In relation to issuing an FPN, different arrangements will apply to those under 18 years of age who commit these offences.

### **10 - 13 Year Olds**

2. FPNs will not be issued to persons under the age of 14 where an offence is witnessed but they should still be requested to stop the activity and both the juvenile and their parent/guardian will be sent a formal warning so that the parent/guardian is aware of the situation.

### **14 and 15 Year Olds**

3. If an offence is committed by a person who is 14 or 15, in the first instance they would be requested to stop the activity. If the request is complied with, a formal warning would be given, verbally at the time, and followed up in writing to both the juvenile and their parent.
4. If the activity is not stopped, then an FPN would be issued to the individual and the parent/guardian informed.
5. Prior to the FPN being issued, consultation will take place with the Young People's Engagement and Justice Service as to whether this is an appropriate course of action. FPNs would only be issued if absolutely necessary and other more appropriate action would be sought.

### **16 and 17 Year Olds**

6. If an individual who is 16 or 17 commits an offence, then the individual will be issued with a FPN, and the parent/guardian informed. Consultation again will take place with the Young People's Engagement and Justice Service as to whether this is an appropriate course of action, before the FPN is issued.
7. In every instance where an FPN is issued to an under 18, consideration can be given to reparation, such as a supervised litter pick, as an alternative to payment of the FPN.
8. This option will be communicated to under 18s and their parent/guardian at the time of the FPN being sent out to them.



**CABINET  
7 NOVEMBER 2023**

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**HOUSING SERVICES REPAIRS AND MAINTENANCE POLICY**

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**Responsible Cabinet Member - Councillor Matthew Roche,  
Health and Housing Portfolio**

**Responsible Director – Elizabeth Davison, Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To approve the Housing Services Repairs and Maintenance Policy.

**Summary**

2. Darlington Borough Council provides over 5,300 high quality homes for local residents. We are committed to providing safe, energy efficient and comfortable homes to our Council tenants and we will achieve this by providing a robust, efficient and effective repairs and maintenance service.
3. The Housing Services Repairs and Maintenance Policy 2023-2028 at **Appendix 1** sets out our responsibilities to our tenants and leaseholders, how we will inspect and survey our properties to ensure they are maintained to a good standard and the arrangements in place for undertaking repairs, when issues arise.
4. The Tenants Panel has been consulted on the draft policy and the outcome of this consultation is given at paragraph 17. However, the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny Committee on 1 November 2023 and it is anticipated that they will have agreed its onward submission for approval by Cabinet. The Responsible Cabinet Member for Health and Housing will provide confirmation at the meeting.

**Recommendation**

6. It is recommended that Cabinet:
  - (a) Consider the contents of this report.
  - (b) Approve the Housing Services Repairs and Maintenance Policy 2023-2028 as set out in Appendix 1.

## Reasons

7. The recommendations are supported by the following reasons:
- (a) The Social Housing Regulator’s Consumer Standards places a duty on social housing landlords to provide their tenants with quality, cost-effective accommodation.
  - (b) The adoption of a formal Repairs and Maintenance Policy is one of the ways to demonstrate how we will achieve this.

**Elizabeth Davison**  
**Group Director of Operations**

## Background Papers

No background papers were used in the preparation of this report.

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There is no impact on the Council’s Crime and Disorder responsibilities as a result of this report
Health and Wellbeing	Well maintained Council homes will have a positive impact on the health and well-being of Council tenants
Carbon Impact and Climate Change	An efficient repairs and maintenance service will have a positive impact on the energy efficiency of our Council homes
Diversity	This policy supports the promotion of diversity
Wards Affected	All wards with Council housing
Groups Affected	Council tenants and leaseholders
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This report supports the Council plan to ensure we are able to provide our tenants with good quality housing
Efficiency	There are no implications
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

8. Darlington Borough Council provides over 5,300 high quality homes for local residents. We are committed to providing safe, energy efficient and comfortable homes to our Council tenants and we will achieve this by providing a robust, efficient and effective repairs and maintenance service.
9. The Housing Services Repairs and Maintenance Policy 2023-2028 at Appendix 1 sets out our responsibilities to our tenants and leaseholders and covers the following areas.

### Our Responsibilities

10. This section covers the Council's responsibilities for our tenants, including:
  - (a) Maintaining the structure and outside of the property and keeping it in good repair.
  - (b) Maintaining the installations for heating, water heating, sewerage and for water, gas and electricity.
  - (c) Decorating the outside of properties when necessary, or as part of a planned maintenance programme.
  - (d) Repairing internal decoration, where we have caused damage when completing a repair.
11. For leaseholders, the Council is responsible for the main structure of the building, the shared areas and any shared services to a building or estate.

### Inspections and Surveys

12. This section covers how we will carry out inspections and surveys, before and after repairs or maintenance work is completed, including:
  - (a) Any reports of damp or mould.
  - (b) Fence repairs and replacements.
  - (c) Roofing repairs.
  - (d) Major kitchen and bathroom repairs and replacements.
  - (e) Structural damage or issues.
13. This section also covers our legal responsibilities to ensure the health and safety of our tenants, including surveys, checks, assessments and servicing in relation to:
  - (a) Gas appliances, such as boilers and fires.

- (b) Electrical installations and wiring.
- (c) Passenger lifts and stair lifts (where fitted).
- (d) Fire risk assessments and fire doors.

### Repairs

14. This sections covers the arrangements for undertaking repairs, when issues are reported or arise, including:
- (a) What is classed as a routine repair, urgent repair or emergency repair and our timescales for responding to these.
  - (b) How our tenants can report repairs and the arrangements for reporting out of hours, emergency repairs.
  - (c) The surveys and repairs undertaken for empty Council properties, before they are re-let.
  - (d) The types of repairs that are rechargeable to tenants.
  - (e) Details of the Right to Repair and Right to Improve arrangements.
  - (f) The arrangements for planned maintenance and improvement works and adaptations for those tenants who need them.

### **Regulator of Social Housing (RSH) Consumer Standards**

15. The RSH are currently consulting on new consumer standards that it is proposing to introduce in 2024. Under these new standards is a section specifically relating to repairs and maintenance, as follows:
- (a) Registered providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.
  - (b) Registered providers must enable repairs and maintenance issues to be reported easily.
  - (c) Registered providers must set timescales for the completion of repairs, maintenance and planned improvements, clearly communicate them to tenants and take appropriate steps to deliver to them.
  - (d) Registered providers must keep tenants informed about repairs, maintenance and planned improvements to their homes with clear and timely communication.
  - (e) Registered providers must understand and fulfil their maintenance responsibilities in respect of communal areas.

- (f) Registered providers must ensure that the delivery of repairs, maintenance and planned improvements to homes and communal areas is informed by the needs of tenants and provides value for money.

16. Our Housing Services Repairs and Maintenance Policy will help us demonstrate how we will achieve these new proposed standards.

### **Outcome of Consultation**

17. Our Tenants Panel were consulted in June 2023 and overall, the Panel supported the proposed Housing Services Repairs and Maintenance Policy. Examples of the Panel's comments were as follows:

- (a) "I think that the Housing Services Repairs and Maintenance policy makes a lot of sense. It is easily understandable, and I don't think there is any more explanation needed. It all seems absolutely fine to me."
- (b) "Although the policy is lengthy, it is in line with the rest of the policies that I have read from Darlington Borough Council and reads well. I understood all the points that were made. As always, it seems clear, and the main points have been explained very well. I like how you can see similarities in the policies, very uniformed."
- (c) "Although this is a large document, it has been broken down into manageable sections, which are well explained. Tenants should be able to pick and choose what they need to read. It all seems absolutely fine to me."
- (d) "I do believe that the policy is a little long winded, but I understand to cover everything this is hard to get past. Some of the language may be a little difficult for your everyday tenant, but on a whole I think it is self-explanatory and have no major issues with it."

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# Housing Services Repairs & Maintenance Policy 2023-2028



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# Introduction

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We are committed to providing safe, energy efficient and comfortable homes. By providing a robust, efficient, and effective repair and maintenance service we hope to build vibrant and resilient communities with safe and healthy homes.

This policy has been designed to be an effective tool to enable an efficient repairs and maintenance service for our housing stock. We will ensure that we take prompt action to carry out repairs, remedy issues and support our tenants, offering guidance, advice, and assistance throughout. It is important that we take prompt action and that tenants report issues so we can work quickly together to help resolve problems.

We have a legal requirement to manage repairs and complete any work required. It is also important that we recognise the impact that repairs or damage can have on our tenants and make every effort to ensure this is minimised.

## Aims

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Our Repairs and Maintenance Policy assists us to provide a tenant focussed service and ensure that we maintain our properties to ensure that they are safe and fit for purpose.

This policy aims to:

- Deliver a consistent, modern, and quality repairs and maintenance service.
- Ensure that all our homes are well maintained, safe and fit for purpose.
- Comply with relevant statutory and regulatory obligations.
- Provide an effective response to repairs and maintenance.
- Ensure that the fabric of our properties is protected.
- Ensure that tenants are treated in a fair and consistent way.
- Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is provided.



# Our approach

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We are committed to delivering an outstanding tenant experience through our approach to repairs. This means that we will continually review working practices, policies, and procedures to ensure that this is achieved for our tenants whenever possible.

We aim to provide a service that is easy to use, causes the least possible disruption to our tenants and demonstrates value for money. To do this we will engage with new technology and working practices to ensure that we are providing the best experience for our tenants according to their needs and communication preferences.

Our Tenants Panel will carry out “mystery shopping” to test the quality of repairs from initial reporting through to repair completion.

# Relevant Legislation

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As a registered provider of social housing, we adhere to the required standards set out by the Regulator of Social Housing (RSH) in the Consumer Standards.

We will adhere to the standards set out in the Consumer Standards and determine how we meet these.

We will comply with the significant range of legislation and regulation which supports the delivery of repairs and maintenance and the standards that govern the way in which we operate, including (but not limited to):

- Housing Act 1985.
- Housing Act 2004.
- Defective Premises Act 1972.
- Homes (Fitness for Human Habitation) Act 2018.
- Data Protection Act 2018.
- Equality Act 2010.
- Commonhold and Leasehold Reform Act 2002.
- Management of Health and Safety at Work Regulations 1999.
- Gas Safety (Installation and use) Regulations 1998.
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994.
- Landlord and Tenant Act 1985.
- Building Regulations Act 1984.
- Defective Premises Act 1972.
- Health and Safety at Work Act 1974.
- Regulatory Reform (Fire Safety) Order 2005, including requirements for Fire Doors and Means of Escape (MOE).
- Housing Health and Safety Rating 2006.
- Control of Asbestos Regulations 2012.
- Data Protection Act 2018.
- Building Safety Act 2022.

# Links to other internal policies and procedures

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This document should also be read in conjunction with:

- Housing Management Policy 2022-2026.
- Repairs Handbook.
- Housing Services Damp, Mould, and Condensation Policy 2023-2027.
- Leaseholder handbook.
- Fire Safety Policy for Sheltered and Extra Care Accommodation.
- Darlington Borough Council Customer Standards.
- Housing Services Tenancy Agreement.
- Housing Services Void Lettable Standards.
- Housing Complaints, Compliments and Comments Procedure.
- Housing Services Climate Change Strategy. (due 2023/24)
- Housing Services Asset Management Strategy. (due 2023/24)

## Scope of the policy

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The scope of this policy covers how Housing Services, and our tenants are able to jointly control, manage, reduce repairs and damage to our properties.

This policy relates to all Housing Services owned properties that are tenanted, empty and communal. It also includes emergency / temporary accommodation, and any freehold buildings Housing Services own.

## Advice and Information

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A copy of this policy and the Repairs Handbook can be downloaded from the website [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies)

Residents who do not have internet access can visit or phone Housing Services on 01325 405333.

# Glossary of Terms

**Appointable Repair** - A repair that prevents immediate damage to the property

**Emergency Repair** - Any defects that put the health, safety or security of residents or anyone else at immediate risk.

**EPC** - Energy Performance Certificates summarise the energy efficiency of a building in line with European Union standards. Ratings range from A-G and the certificate will also contain tips on how to improve the home's energy efficiency rating.

**Planned Repair** - Non-urgent and can consist of replacement rather than repair. This can be internal/external.

**Repair** - Making good something that has been damaged or faulty either internally or externally.

## Responsibilities

### Housing Services Responsibilities

Tenant, leaseholder, and landlord responsibilities are clearly laid out within the tenancy or lease agreement, which is issued to each new tenant or leaseholder at the point of sign up or purchase.

For tenanted properties we are responsible for:

- Maintaining the structure and outside of the property and keeping it in good repair.
- Maintaining the installations for heating, water heating, sewerage and for water, gas, and electricity.
- Decorating the outside of all houses and apartments when necessary or as part of a planned maintenance programme unless tenants have done the work themselves with the relevant permissions.
- Repairing internal decoration where we have caused decorative damage when completing a repair.



### Tenant/Resident -

Any tenant or leaseholder of a property managed by Darlington Borough Council Housing Services.

**Void Property** - A property which has no current tenant living in it.

**Void Repairs** - Work required in an empty property to ensure that it is safe and fit for purpose for the next tenant.

For leasehold properties we are responsible for:

- The main structure of the building, the shared parts and any shared services to a building or estate.

We will carry out all structural, external, and communal works where appropriate and recharge a share of the cost to the leaseholder in accordance with the terms of their lease and associated legislation.

We are responsible for ensuring the security of any empty properties that we own and may use external screening, alarms, and other security measures to ensure properties are kept secure.

We carry out repairs to fittings that are broken, damaged or no longer fit for purpose, we will not replace when fittings are deemed by us to be serviceable or where we can repair them, replacements are not provided for aesthetic reasons only. For example if we are unable to colour match tiles or kitchen units we will replace with the nearest matching colours.

For more information on responsibilities of repairs please see our Repairs Handbook at [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies)

### Tenant and Leaseholder Responsibilities

Tenants and Leaseholders should keep their home in a good condition and report any repairs, which fall within the Landlord's responsibility, in a timely manner in order to avoid small repairs escalating to a point which might affect their health and safety, or which might increase the cost of repair.

If the need for a repair is the result of neglect or damage (accidental or otherwise) on the part of the tenant, the tenant, is responsible for putting this right and paying for it. This includes damage caused by any member of their family, pets, or visitors.

If such a repair presents a health and safety or security risk, or is covered by disrepair legislation, we will carry out the repair for a tenant. The cost of this will be recharged to the tenant.

If the damage has been caused by the criminal act of another, the tenant will need to report the incident to the Police and provide us with a crime reference number, otherwise the tenant may be recharged for the cost of the repair.

Tenants - For more information on responsibilities of repairs please see our Repairs Handbook at [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies)

Leaseholders - For more information on responsibilities of repairs please see your Leaseholder Handbook at [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies) and your lease agreement.

Tenants should ensure that any works they carry out in their home do not cause a health and safety risk, such as damage to a fire door and frame. We will recharge for any damage which we believe is the result of neglect or damage (accidental or otherwise) and which compromises the safety of the property, residents, or neighbours.

## Inspections & Surveys

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Inspections and surveys can be carried out before a repair or improvement work is carried out, after works are completed or to ensure the safety of installations such as fire doors and gas boilers. We also carry out regular stock condition surveys of our properties.

Inspections and surveys are carried out by Housing Services Officers and Surveyors or our authorised contractors and may require tenants to allow access for these inspections. Where possible we will give reasonable notice of these inspections, usually 24 hours, however in the case of emergencies or health and safety concerns we may not be able to give prior notice.

We may take photographs of a tenant's home as part of any inspection or survey which will be stored securely on our ICT system.

### Pre-inspections

A pre-inspection maybe required before a repair appointment can be arranged. This will include circumstances where the scope of the repair is unknown. Following the inspection, the repair will be diagnosed and planned within the appropriate timescales. Pre inspections will be carried out in person or may be via a video call.

The following reports of repairs would require a further inspection (not exhaustive):

- Damp, condensation, or mould.
- Fence repairs/replacement.
- Roofing repairs.
- Major kitchen or bathroom repairs.
- Structural damage or issues.

## Post-inspections

To ensure we are delivering a high-quality repairs service, a sample of completed repairs will be inspected regularly. We will also carry out post inspections of any tenant improvements. We will also request feedback from our tenants at post-inspections to look at key areas of learning and improvement.

## Regulatory Checks

Ensuring the health and safety of our tenants is an essential part of our repairs and maintenance service and we carry out regulatory checks, assessments, and servicing to (not exhaustive):

- Asbestos Surveys
- Legionella Checks
- Gas appliances (such as boilers and fires but excluding tenant's cookers. For tenants cookers - we will carry out a basic check of the flame picture and check for gas leaks only, we will not repair where faults are found).

- Electrics (excluding tenant's own appliances).
- Stair lifts (where fitted).
- Fire Risk Assessments (to communal areas).

Some of these checks are legally required to be carried out annually such as gas servicing, and we will consider court action where access is not given by a tenant. Court action will be our last resort and we will make all reasonable attempts to gain access before taking legal action.

We also carry out cyclical maintenance and checks to the following (not exhaustive):

- Communal doors.
- Fire doors.
- External painting (where required).
- Internal painting (to communal areas only).

# Repairs

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## Types of Repairs

Dependant on the type of repair that is required we will allocate work as follows, so that we ensure that we provide the best possible service to our tenants.

**Routine Repairs** – Repairs which will not seriously interfere with the comfort and convenience of the resident, for example:

- Repairs to plasterwork.
- Repairs to doors and windows.
- Repairs to bathroom and kitchen fittings.
- New sanitary fittings (bath, toilet, and wash-hand basin).

**Urgent Repairs** – Repairs which seriously affect the comfort of the resident or cause potential damage to the property, for example:

- Plumbing and drainage faults.
- Roof leaks.
- Majority of gas repairs.
- Partial loss of heating.
- Damp, mould and condensation.

**Emergency** – Repairs which, if not attended to, could cause serious damage to the building/property, or pose a high safety risk to the health of the resident, for example:

- Gas Leaks (please report these firstly to the National Gas Emergency Service on 0800 111 999)
- Total electrical failure.
- Total heating failure (winter).
- Burst pipes.
- Making the property safe, after storm damage.
- Repairs to essential safety features.

Priorities and target times are set out on our website and within the Repairs Handbook which can be found online at [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies)

### Reporting repairs

Tenants can report repairs by any of the following means:

- Online through Darlington Home Online.
- By telephone 24/7, 365 days a year on 01325 405333.
- Email: [housing@darlington.gov.uk](mailto:housing@darlington.gov.uk)
- In writing to Housing Services, Rm G02, Town Hall, Feethams, Darlington, DL1 5QT.

We will agree a mutually convenient appointment during normal office hours for any repairs that are reported out of hours but are not considered an emergency.

### Out of hours or callout repairs

We will ensure that all emergency callout repairs are attended within appropriate timescales and made safe at first visit, we aim to respond to emergency repairs reported out of hours as quickly as possible to make safe. Any further work will be ordered the next working day and carried out within the appropriate timescales for appointed repairs. The service will be available 365 days of the year outside of normal office hours. Tenants can call 01325 405333 to report emergency out of hours repairs.

### We define an emergency repair as:

- Any fault which could lead to death or injury of occupants, visitors or public.
- Any fault which could seriously endanger the health of occupants, visitors or public.
- Any fault which could cause extensive damage to our property or your belongings.
- Major incidents including substantial structural defects, flood, or storm damage.

### Examples of emergency repairs that we would attend to out of hours (not exhaustive):

- Collapsed floors or ceilings.
- Toilet will not flush, when there is only one toilet in the property and a tenant cannot flush this themselves.
- Total loss of hot or cold water (where there is no supplier issue).
- Total loss of heating in winter (31st October to 1st May).
- Total loss of electric power (where not caused by supplier issues).
- Renewal of lock when door cannot be secured or accessed (we will recharge for lost or stolen keys).
- Burst pipes or tanks (but not dripping/leaking pipes or dripping taps) where the leak is uncontainable.
- Blocked drains where waste is leaking into the property.
- Securing a property following vandalism or criminal damage such as broken window or damaged door (please note recharges will apply unless a crime reference number is provided).

We will ensure that the service has access to skilled staff from across all trade areas to ensure that we can respond to all types of emergencies.

We will agree a mutually convenient appointment during core working hours for repairs that are reported out of hours but are not considered an emergency by us. We will consider tenant and household vulnerabilities such as age, disability, health etc when classifying a repair for an out of hours response.

We will consider recharging for any emergency repair if, on attendance, it is found not to be an emergency repair. This could be where a tenant has given us misleading information meaning we have wrongly classified a repair as an emergency.

## Access

Tenants must allow us access to their property in order to carry out any work that is needed or to carry out any inspections required by law such as fire door inspections, gas or electrical safety testing. We will give the tenant reasonable notice that we require access, except in the case of emergency.

We will make every effort to arrange access but ultimately, we will consider legal action in cases where we are unable to gain access.

We aim to offer a range of appointments that are convenient for our tenants. We will provide confirmation of the appointment slot so our tenants are clear on when the repair will take place.

We will make necessary adjustments to ensure that we consider any vulnerabilities or additional needs of the tenants when planning access to complete any repairs that are needed.

## Void Repairs

When a property becomes vacant, we will ensure it is made secure. We will then assess what work needs to be done, carry out all of the work, clean the property and ensure it is in a lettable condition ready for the next tenant. Our Void Lettable standard gives specific detail on what works we will carry out.

Before a new tenant moves in, we will ensure that all fixtures and fittings are secured and in proper working order and that all required Health and Safety checks are carried out with all relevant certificates provided, including:

- Gas Safety Checks.
- Electrical Tests.
- Smoke detectors.
- EPC.

We will always ensure that any signs of damp, condensation or mould are inspected and dealt with before allowing anyone to move into our properties.

## Recharges

Recharges can occur in some instances with repairs. Darlington Borough Council have an agreed rechargeable repair procedure in determining when a recharge should be applied.

Recharges may occur for (not exhaustive):

- Repairs that are a tenant's responsibility.
- Repairs that are caused by damage, negligence or alleged criminal damage (where no crime reference number is provided).
- No access for pre-planned repairs.
- Changes to a property that have not been approved.
- Damage to safety features such as fire doors and frames.
- Repairs to be carried out which are caused by a Police warrant, where access has been refused and if charges are brought against the tenant or household by the Police.
- Tenants who vacate their property leaving items that must be removed, or cleaning is required or other repairs such as overgrown gardens or damage to fixtures.
- Misuse of the callout service.

## High Levels of Repairs

Where a tenant has reported a high level of repairs over a period of time, an inspection will be carried out to the property to determine the cause of the repairs. The inspection will identify whether further repairs can be raised and the cause of the high level of repairs.





# The Right to Repair

Housing Services tenants have the Right to Repair which means that they can request certain qualifying repairs to be completed within certain timescales. Tenants have the right to have certain urgent repairs done quickly and at no cost to them where the repair may affect health, safety, or security and where the repair has not been completed within a specified timescale.

Under the Right to Repair scheme we must pay tenants compensation if qualifying repairs are not done within set timescale and after a further request to complete the work within the specified timescales has not been completed.

A maximum of £50 compensation can be claimed if any repairs listed below are not completed within the specified time. The actual amount will be calculated at £10, plus a daily rate of £2. In some cases, we may exceed the maximum allowed under this scheme.

Repair Type	Response Time (working days)
Total loss of electric power (where there is no supplier issue)	1
Partial loss of electric power (where there is no supplier issue)	3
Unsafe power of lighting socket or electrical fitting (excludes tenant appliances)	1
Total loss of water supply (where there is no supplier issue)	1
Partial loss of water supply (where there is no supplier issue)	3
Total or partial loss of gas supply (where there is no supplier issue)	1
Blocked flue to open fire or boiler	1
Heating or hot water not working (where there is no supplier issue) (between 31st Oct and 1st May)	1
Heating or hot water not working (where there is no supplier issue) (between 1st May and 31st October)	3
Blocked/leaking foul drain, soil stack or toilet	1
Toilet not flushing (only one in property)	1
Blocked sink, bath or basin	3
Tap cannot be turned	3
Leak from water pipe, tank or cistern	1
Leaking roof	7
Insecure external window, door or lock	1
Loose or detached banister or handrail	3
Rotten timber flooring or stair tread	3
Door entry phone not working	7
Mechanical extractor fan not working	7

# The Right to Improve

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We acknowledge the right of our secure tenants to request permission to make improvements to their home. Introductory tenants do not legally have the right to carry out any improvement works to their home during the introductory period (usually 12 months unless extended).

We will consider each application on a case-by-case basis and permissions will be granted or declined following an inspection and assessment carried out by Housing Services. Any improvements that involve major works or structural alterations would need to be inspected by Housing Services Surveyors.

If a request to improve is refused following an inspection, a full explanation will be provided to the tenant.

Home improvements are subject to approval. Any requests for improvements should be put in writing to a Housing Management Officer, either by email or letter.

Permission must be granted before any improvement works are started. If works commence without getting prior permission, tenants may have to return the property to its original condition or may be recharged if we have to return it to its original state.

Some improvements require planning and building control approval. Any associated costs will be a tenant's responsibility.

Tenants must get approval for the following (not exhaustive):

- Carrying out alterations to the property.
- Putting a greenhouse or shed in the garden.
- Putting a garage on the property.
- Fitting a satellite dish.
- Constructing a parking space or drive.
- Erecting a pigeon cove or aviary.
- Decorating the outside of your house

Secure tenants may be entitled to receive compensation for improvements when their tenancy ends. Secure tenants can make a request for compensation when their tenancy ends by using the Tenants Compensation Form for Improvements which is available at [www.darlington.gov.uk/housing/our-policies-and-performance](http://www.darlington.gov.uk/housing/our-policies-and-performance)

If secure tenants are given permission to carry out work, they must follow any requirements laid down by Housing Services, and by Darlington Borough Council's Planning Department and Building Control Section. They must also obtain any other statutory consents required in connection with the proposed work.

Tenants will need to specify exactly what type of work they wish to carry out, timescales for completion of the work and should provide a detailed plan or drawing showing their proposals, together with the details of their chosen contractor. These should be provided prior to any work is started so we can check their registration is up to date. Following completion of any works all documentation and certificates for work must be provided to us for our records. We will provide asbestos surveys if required.

All improvement works should be completed in full 12 months after the date permission was granted. Once improvement works are completed, tenants are fully responsible for the maintenance and repair of their improvements, we may recharge for any repairs that we are requested to carry out on tenant improvements.

If any of the proposed works include work next to/near or involve gas pipes or heating appliances, the contractor must be Gas Safe registered and tenants must provide us with the contractors details and registration number prior to any work commencing so we can check their registration is up to date. A copy of the Risk Assessment Method Statement (RAMS), specification of works must also be provided.

If any of the proposed works are to be carried out near/next or involve the electrical cables, consumer unit or electrical circuits the contractor must be NICEIC registered and tenants must provide us with the contractor details and registration number prior to any works being completed so we can check their registration is up to date. They must also provide us with a copy of the Risk Assessment Method Statement (RAMS), specification of works.

Following completion of any improvement works, a post-inspection will be required by Housing Services to ensure it meets our standards. Should they not meet our standards, tenants will be required to make the appropriate changes as directed by us or permission will be retracted. Tenants must allow access for this post-inspection or approval will be withdrawn and the tenant will be required to reinstate to the original specification.

# Planned Maintenance and Improvement Works

Housing Services invests in the properties we manage to maintain the quality of homes. We want our tenants to live in homes that are modern, warm, comfortable and are of a good standard. Work is planned in line with our priorities and includes:

- Replacement programmes: new bathrooms, new kitchens, new boilers, roofing programmes, external doors/windows, and fire doors.
- Environmental programmes: new driveways, railings, fencing.
- Communal upgrades: new door entry systems, fire alarm upgrades and communal heating.
- Energy efficiency improvements

We have a planned programme of work to ensure our properties are being improved. We will write to tenants when their home is due for any improvement works to give a timescale for the works to be completed.

We will also send out further letters to arrange visits to our properties. The work will normally be completed in an agreed timescale with the tenant. However, if a tenants home requires additional works it may take longer. We will always communicate any delays with the tenant as soon as possible.

Access will be required throughout this time, and we will also need access to carry out a final inspection and complete any remedial work.

For more information please see the Repair Handbook at [www.darlington.gov.uk/housing/our-policies-and-performance/our-policies](http://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies)



# Adaptations

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We are committed to ensuring that aids and adaptations are accessible to all our tenants. We will do everything possible to ensure that our tenants can live independently in their homes for as long as possible whilst ensuring we make the best use of our housing stock. We aim to ensure that tenants are aware of the range of options if we are unable for any reason to adapt their current home and to deliver a cost-effective service.

We will work in partnership with agencies including Occupational Therapists, NHS, Social Care and Housing Asset Surveyors (not exhaustive) to ensure that we carry out effective, long-term adaptations that meet tenants current and future needs and provide value for money.

It is not always possible for us to adapt a tenant's current or prospective home and we will work closely with them to find suitable, alternative accommodation when this occurs. We will also take an active stance to assist tenants in finding

alternative accommodation when circumstances change, for example when they no longer require adaptations, to ensure we can make the best use of our housing stock and meet regulatory requirements. We will do everything we can to support tenants through the re-housing process.

Applications for adaptations are assessed on a case-by-case basis and we will take the following into account (not exhaustive):

- Availability of other suitable accommodation within the Borough.
- Individual circumstances and local connections.
- Future needs of the tenant.
- Location of the property.
- Type of property.
- Suitability of property for adaptation.
- Accessibility.
- Cost of adaptation.

# Leaseholder Improvements

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Leaseholders can carry out work to improve their home, but for some improvements they will need prior written permission from Housing Services, in accordance with the terms of their lease.

Leaseholders may also need to get planning permission and building consent for the work, together with any other relevant statutory consents.

# Climate Change

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As a local authority and social housing landlord we are fully committed to reducing our impact on the environment and our Housing Services Climate Change Strategy will help us to meet Government targets for decarbonising properties.

In order to meet government carbon zero targets by 2050, our programme of improvements to our existing homes will include measures which aim to make them more energy efficient through internal investment and government backed funding streams such as solar panels, internal and external insulation and improved windows and doors.

# Staff Qualifications and Training

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We are responsible for ensuring that staff will receive appropriate training to enable them to carry out their responsibilities as stated in this policy.

We will ensure any sub-contractors/agency carrying out any works on our behalf will be qualified to the appropriate standards.

We will ensure that all contractors have appropriate identification so tenants can easily confirm they are working for us.

# Equality and Diversity

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We are committed to ensuring that we do not discriminate against any of our tenants, and we want to provide excellent services to all our tenants. This means that for all our policies and strategies we need to consider any specific issues that might be faced by protected groups.

# Performance and Monitoring

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To assist in our continuous improvement of the repairs and maintenance service we will collate and monitor performance information. We will involve our Tenants Panel and Council Members in monitoring this. We will also ensure that our performance is provided to the Regulator of Social Housing through Tenant Satisfaction Measures.

We will provide information on our performance on our website, our annual report and in our in-house magazine, Housing Connect.





**CABINET  
7 NOVEMBER 2023**

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**DELIVERY OF NEW HOMES AT NEASHAM ROAD –  
LAND DISPOSAL AND NUTRIENT NEUTRALITY CREDITS**

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**Responsible Cabinet Members –  
Councillor Chris McEwan, Economy Portfolio  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director – Ian Williams, Chief Executive**

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## **SUMMARY REPORT**

### **Purpose of the Report**

1. To seek approval to fund the purchase of additional nutrient neutrality credits from Natural England in order to satisfy planning permission and to build out the whole site of 144 new homes.

### **Summary**

2. Cabinet approval was obtained in July 2023 to dispose of site C to the Council's Joint Venture partner , Hurworth Gardens JV (Joint Venture) Ltd for the development of 144 new homes. Contracts have been completed and work has started on site.
3. Natural England had previously advised that the nutrient neutrality credits obtained by the Hurworth Gardens JV Ltd were sufficient to build out the whole site of 144 new homes. However, during the planning process, Natural England changed their methodology for their assessment of credits and advised that credits obtained were only sufficient to build out 51 new homes and that additional credits for the remaining 93 new homes would be required. Planning permission was granted on this basis and that additional credits would need to be obtained to complete the development.
4. Further credits are required from Natural England to build the remaining 93 properties, details are provided in **Appendix 1, Part III report**.

### **Recommendation**

5. It is recommended that Cabinet agree to fund the purchase of additional nutrient neutrality credits required to build out the remainder of the houses as set out in Appendix 1 Part III.

**Reason**

- 6. The recommendation is supported in order to contribute to the delivery of new housing to satisfy the Borough’s housing need.

**Ian Williams  
Chief Executive**

**Background Papers**

No background papers were used in the preparation of this report.

Jenny Dixon : ext 6320

S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Wellbeing	The report has no implications for health and well being
Carbon Impact and Climate Change	Not anticipated
Diversity	No impact
Wards Affected	Hurworth
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	There are no issues adversely affecting the Council Plan
Efficiency	An investment return from the JV will help the Council’s MTFP position.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers



## MAIN REPORT

### Information and Analysis

7. Nutrient neutrality credits are required to fund Natural England's mitigation activities as mitigating nutrient pollution is now part of the process to obtain planning permission. To do this, an application for additional credits now needs to be made to Natural England.
8. Natural England had previously advised that the credits obtained were sufficient to build out the whole site of 144 new homes. However, during the planning process, Natural England changed their methodology for the assessment of credits and advised that the credits acquired were only sufficient for 51 new homes and that additional credits for the remaining 93 new homes would now be required.
9. Planning permission was subsequently granted for the whole site of 144 new homes, but with a condition that only 51 new homes can be built in line with the nutrient neutrality credits obtained. Further credits would need to be applied for from Natural England in order to build the remaining 93 new homes.
10. Natural England have now also advised that the cost of credits has increased from £1825 to £2300 per credit. Further details are provided in Appendix 1 Part III identifying the costs involved.

### Financial Implications

11. The costs of the additional nutrient neutrality credits will be deducted from the Council's capital receipt.

### Legal Implications

12. The rules and regulations surrounding nutrient neutrality have been subject to change. To protect the Council's position, if there are any subsequent changes in the regulations for example, if refunds for the cost of buying nutrient neutrality credits were refunded to Hurworth Gardens JV Ltd, under the terms of the sale contract these monies would be repaid to the Council.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**CABINET  
7 NOVEMBER 2023**

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## **COUNCIL TAX CHANGES TO EMPTY PROPERTY PREMIUMS 2024-25**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -  
Elizabeth Davison, Group Director of Operations**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To consider proposed changes to Council Tax Empty Property Premiums for 2024-25 before approval by Council on 30 November 2023.

#### **Summary**

2. A 50% Council Tax premium (additional charge) was introduced in April 2013 for all unoccupied and unfurnished domestic properties which had been empty for 2 years or more, this being the maximum the Council was permitted to charge.
3. New legislation was introduced in 2018 and changes were made to the Council Tax Empty Property Premiums, as follows:
  - (a) The Council Tax premium for unfurnished properties which had been empty for 2 years or more was increased to 100% from April 2020,
  - (b) The Council Tax premium for unfurnished properties which had been empty for 5 years or more was increased to 200% from April 2020,
  - (c) The Council Tax premium for unfurnished properties which had been empty for 10 years or more was increased to 300% from April 2021, and
  - (d) Protection was provided for those owners who are making genuine efforts to bring their long-term empty properties back into use.
4. The Levelling Up and Regeneration Act 2023 contains a provision to amend the definition of long-term empty homes, so that from 2024-25 onwards, unfurnished properties that have been empty for one year or more are liable to the Empty Property Premium.
5. In addition, the Levelling Up and Regeneration Act 2023 also includes a provision to introduce a 100% Council Tax Premium for furnished properties periodically occupied (referred to as "second homes") from 2025-26. This report sets out the proposals for the

new Council Tax Empty Property Premiums.

6. This report was considered by the Economy and Resources Scrutiny Committee on 2 November 2023, which at the time of writing has not taken place. It is anticipated the Committee will have agreed its onward submission for consideration by Cabinet. The Responsible Cabinet Member for Resources will provide confirmation at the meeting.

### **Recommendation**

7. It is recommended that Cabinet agrees the following changes to the Council Tax Empty Property Premiums:
  - (a) Amend the definition of long-term empty homes, so that from 2024-25 onwards, unfurnished properties that have been empty for one year or more are liable to the Council Tax Empty Property Premium from 1 April 2024.
  - (b) Apply a 100% Council Tax Premium to second homes. As 12 months' notice to existing owners of second homes is required, the earliest that the new charges will apply is from 1 April 2025.
  - (c) Implement exemptions for the second homes Council Tax Premium, as set out in paragraphs 15 and 16 of the main report.
  - (d) That a report on this matter and the Cabinet recommendation should go forward to Council for a decision.

### **Reasons**

8. The recommendations are supported to further encourage landlords and property owners to bring their empty homes back into use as soon as possible, and to penalise those owners who deliberately leave their properties empty for years.

**Elizabeth Davison**  
**Group Director of Operations**

### **Background Papers**

- (i) Levelling Up and Regeneration Act 2023

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no issues
Health and Wellbeing	There are no issues
Carbon Impact and Climate Change	There is no impact in this report
Diversity	There are no issues
Wards Affected	All wards may be affected but particularly those with high numbers of long-term empty properties and second homes
Groups Affected	Owners of long-term empty properties and second homes will be impacted by this report
Budget and Policy Framework	The issues contained within this report do not represent a change to Council budget or the Council's policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
Council Plan	This report supports the Council Plan to maximise Council Tax income
Efficiency	Changes to the Council Tax empty property premiums will potentially generate extra income for the Council
Impact on Looked After Children and Care Leavers	There are no issues

## MAIN REPORT

### Information and Analysis

9. A 50% Council Tax premium (additional charge) was introduced in April 2013 for all unoccupied and unfurnished domestic properties which had been empty for 2 years or more, this being the maximum the Council was permitted to charge.
10. New legislation was introduced in 2018 and changes were made to the Council Tax Empty Property Premiums, as follows:
  - (a) The Council Tax premium for unfurnished properties which had been empty for 2 years or more was increased to 100% from April 2020,
  - (b) The Council Tax premium for unfurnished properties which had been empty for 5 years or more was increased to 200% from April 2020,
  - (c) The Council Tax premium for unfurnished properties which had been empty for 10 years or more was increased to 300% from April 2021, and
11. Protection was provided for those owners who are making genuine efforts to bring their long-term empty properties back into use.

### **Levelling Up and Regeneration Act 2023**

12. The Levelling Up and Regeneration Act 2023 contains a provision to amend the definition of long-term empty homes, so that from 2024-25 onwards, unfurnished properties that have been empty for one year or more are liable to the Empty Property Premium.
13. The Levelling Up and Regeneration Act 2023 also provides powers to Councils to charge a discretionary Council Tax premium of up to 100% for properties which are periodically occupied (referred to as a “second homes”). This is defined as a property that is substantially furnished and has no resident (it is not someone’s sole or main residence). The change comes into effect from April 2024 although, because the owners of existing second homes require 12 months’ notice of the changes, the earliest the Council Tax Premium can be charged will be from April 2025.
14. The same exemptions to the existing Council Tax Empty Property Premiums will also apply to second homes. These are:
  - (a) Properties where a statutory empty property Council Tax exemption applies, such as properties undergoing probate.
  - (b) Properties being actively marketed for sale or rent.
  - (c) Properties undergoing substantial renovation or refurbishment to bring them back into use – time limited for 6 months.
  - (d) Properties where there is a legal or other reason preventing the property from being occupied, sold or rented.
15. There are some additional exemptions for second homes, as follows:
  - (a) Annexes forming part of, or being treated as part of, the main dwelling - certain annexes are exempt from Council Tax altogether and will therefore be exempt from the premium.
  - (b) Job-related dwellings - a property provided by reason of a person’s employment or for the person’s spouse or civil partner by reason of their employment. However, this exemption will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintains their previous address.
  - (c) Occupied caravan pitches and boat moorings - a pitch occupied by a caravan, or a mooring occupied by a boat where they are not a person’s sole or main residence.
  - (d) Seasonal homes where year-round or permanent occupation is prohibited or has been specified for use as holiday accommodation or prevents occupancy as a person’s sole or main residence - properties that have restrictions or conditions preventing occupancy for a continuous period of at least 28 days in any 12-month period, or specifies its use as a holiday let, or prevents occupancy as a person’s sole or main residence. If a second home is available as a holiday rental for 140 days or more and actually let for 70 days in the calendar year, it will be rated for Business Rates and not



## Council Tax.

### Outcome of Consultation

16. Earlier this year, the Revenues and Benefits service undertook a public consultation exercise about the proposed changes to the existing Council Tax Empty Property Premiums for unfurnished properties. Only 3 responses were received; one response supported the proposals and 2 were opposed to the proposals. The comments received are given at **Appendix 1**.
17. In addition, a consultation was undertaken with the existing owners of second properties about the proposed changes. We wrote to 190 second homeowners and received 48 responses (or 25%). 6 respondents supported the proposals and 42 opposed them. The comments received are given at **Appendix 2**.

### Proposals

18. It is proposed to implement the following changes to the Council Tax Empty Property Premiums:
  - (a) Amend the definition of long-term empty homes, so that from 2024-25 onwards, unfurnished properties that have been empty for one year or more are liable to the Council Tax Empty Property Premium from 1 April 2024.
  - (b) Apply a 100% Council Tax Premium to second homes. As 12 months' notice to existing owners of second homes is required, the earliest that the new charges will apply is from 1 April 2025.
  - (c) Implement exemptions for the second homes Council Tax Premium, as set out in paragraphs 14 and 15.

### Financial Implications

19. The recommendation in paragraph 7 will not have any financial implications regarding the agreed MTFP, therefore it is not intended to amend the current budget.
20. Although the recommendations in this report are intended to encourage landlords and property owners to bring their empty homes back into use as soon as possible, there will be potential increases in Council Tax collected from property owners who deliberately leave properties empty
21. It is difficult to estimate the additional Council Tax income that these changes could generate, as we do not know how many properties will be subject to the exemptions. However, based on the existing Council Tax being charged, the potential numbers of properties affected, and potential additional income is:
  - (a) For unfurnished empty properties, the number affected is currently 265 generating an estimated additional Council Tax income of circa. £290,000 each year.

- (b) For second homes, the number affected is currently 190 generating an estimated additional Council Tax income of circa. £170,000 each year.
22. The revision to the empty property premiums if approved will be added to the annual calculations of estimated Council Tax to be included within the 2024/25 MTFP.

**Comments received in relation to the changes to the Council Tax Premiums for empty unfurnished properties**

“I am a landlord and feel it is wrong to charge 100% Council Tax as soon as a property becomes empty. There should be at least 3 months grace so a landlord can carry out refurbishments to prepare for a new tenant without getting penalised. As it stands some landlords do not do this properly due to the 100% council tax from day one yet local authorities want a good standard of accommodation for tenants.”

“I know of a property in my local area that has been empty since the owner’s parents died 30 years ago. This is a 3 bedroomed semi-detached house that has been left empty and not maintained by the owner. If the property was updated and refurbished, it would make a lovely family home. I feel sorry for the neighbouring property owners as this house blights the road and could become a target for vandalism or worse.”

“Classification of new build homes as 2nd homes is incorrect and unfair. We build houses to sell and need stock homes for our build programme and to retain long term employment. Our new homes are not furnished and incomplete until marketed and reserved.”

**Comments received in relation to the changes to the Council Tax Premiums for second homes**

“It will cost us even more money. We are in a situation where my late father left me this property, which we are having to refer to as a second home. We are currently living between two properties until we are in a position to sell one. The past few years have been very difficult. When we reach a decision, we will sell one of the properties and finally solve this problem.”

“It will increase my costs. My second home is where I grew up and is in my ownership since the death of my parents.”

“Living some distance away - I kept this property for visiting elderly relatives still living Darlington - the extra expense of Council Tax along with other expenses is not easy to absorb.”

“The substantial increase will make the payment unaffordable for our family farm business.”

“I already pay the Council Tax for the home in Darlington in addition to the other home. I would have to seriously look at ways of not paying.”

“The property is empty and due to letting rules and regs, would not meet tenants regs prefer to use as a holiday home for family scattered over the country. Property is within fifty yards, young children visit regularly so cannot have strangers letting out, the property is gated and locked within our grounds.”

“It will double the amount of Council Tax which we pay. We bought the flat in Darlington when my father-in-law died and we no longer had somewhere we could stay on our regular visits to see friends and family. We live in the south of England but still have many ties to Darlington and the surrounding area. We also have other family members who stay there when visiting the area.”

“I will most likely have to sell it, which will mean I will see less of my family, as I will no longer have somewhere to stay when I visit. This was my parents home and I bought it when they both passed away so I could keep in touch with family who remain in Darlington. I currently work elsewhere and had hoped to one day retire back to a home I have known and visited for around 25 years when my parents were alive. The increase in Council Tax will put a stop to this as it will no longer be affordable and my quality of life will suffer.”

“It will cost me extra money which I think is unfair as the property is used as a second home not held as an investment property and I think that is legitimate.”

“I will have to absorb another increase in costs which will diminish my spend on other local Darlington services etc. The house is actually my family home and is 'second' because I spend a larger proportion of each month away rather than in the town (originally required by work needs). Local authorities are always quick to raise revenue and slow to think about the effect.”

“This consultation will in no way alter the Council's intentions. I receive few services as it is, despite paying a full Council Tax. I do not accept that Darlington has a problem arising from a small number of second homes.”

“Individual circumstances have to be taken into consideration. Not all cases are the same. I don't agree with second homes that are permanently unoccupied, or second homes that are only used for a few weeks a year and are then left unoccupied. This deprives people of potential properties to buy if they want to move to an area to live permanently.”

“Every case is specific and there isn't really a one size fits all. In principle I support measures to discourage 2nd homes where there is no integration with the local community and where locals cannot afford homes and the 2nd home is mostly empty. However, I question whether Council Tax is the correct means of achieving this as it is nominally supposed to pay for local services which paradoxically will be used less by second homeowners. In my own case I have taken on the family home of 50+ years. I spend significant time in residence and maintain my connections with the community. I am now addressing long standing maintenance issues and an increase in Council Tax will affect my budget. I would be more in favour of a tax on a sliding scale to take account of 2nd home usage by the owners. This would mean paying normal Council Tax to cover local services but additionally being taxed for the proportion of time not in residence and therefore not being part of the local community. This should go hand in hand with closer control of new build properties which so often fail to address real local need for affordable homes in favour of the more profitable and often unsuitably sited luxury homes which are so often built on green spaces and which do not help those in real need locally.”

“The Council should have discretion over the amount by which the Tax is increased in respect of individual cases. In applying the extra levy, they should be able to take into account the reasons why a second home is needed within the Borough.”

“We don't think that this empty property has any impact on the community. Even if we could afford to renovate for letting any tenant would need more than a basic income. The bus service looks likely to disappear.”

“My view is that each case is potentially different. My situation is an inherited home which has needed a lot of renovation before it can be sold which, mainly due to work commitments has taken over a year.”

“My understanding is that the intention of this legislation is aimed at properties that are used infrequently and in rural areas where there is a housing shortage. The property is used by ourselves a significant amount of the year and we are active members of the local community despite.”

“I understand that in some areas second homes have a detrimental effect on the local community. However, I do not think that there is a very large number of second homes in Darlington - a figure of 200 is quoted in your letter. We have bought our flat so that we can maintain our close ties to the area and see family and friends on a regular basis. We contribute to the local economy when we are staying in the town, using local shops, cafes, restaurants and other services.”

“Darlington is not a tourist destination in the same way as Devon or Cornwall for example, where second home ownership can have a much more profound impact on local communities and people's ability to get on the housing ladder. The percentage of second homes in Darlington would have a negligible effect in comparison. If the Council needs to generate extra revenue then perhaps this could be done via a general increase to Council Tax that everyone

pays and who directly benefit from the services it is designed to cover.”

“I own a home which was rented out part furnished, I have been trying to sell it to cover my costs, not make a profit, for over 16 months. I would therefore not want to be additionally penalised for not being able to sell my property.”

“I agree that individuals who hold properties as investments or who use them very occasionally should be charged extra but I do not think this should apply to those who use them regularly. The 70 day limit applicable to holiday lets should in my opinion apply also to properties that are owner-occupied for 70 days a year or more. This would cover homes that are used every weekend or homes that are used only for work purposes. We intend to use our second home for almost half of the time and paying double Council tax in that situation would seem unfair.”

“I must point out however that my property is not a second home. Whilst it is true that my present employment is in Cambridgeshire, I am a lodger with family. I return home 2 days a week and now one week in a month.”

“As a landlord for many years, providing excellent furnished accommodation for individuals like training doctors and other professionals who are only needing accommodation within the Darlington area for a maximum of six months. I think if our rental property is empty we should not be penalised for having an empty property. As soon as our properties become untenanted we are required to pay the full Council Tax. Our bins will not be getting emptied by the council etc. Our profits have already been squeezed massively because of section 24 which now means we are the only businesses who cannot claim our finance costs before calculating our tax liability. This means Landlords have to pay tax on the gross income and not the net income. This can mean some Landlords paying tax exceeding their rental income such a crazy idea. Now our mortgages have increased thirteen times in the last year there is no way these increases can be passed on to our tenants who are struggling with the current living crisis. No wonder Landlords are exiting the market but where will the displaced tenants now go. Local Councils and our government have not built anywhere near the required amount of social housing. Most private Landlords run their businesses as a full time job making sure all our tenants live in decent high standard homes. The government think that what we earn is unearned income I say come and try running my small portfolio and see how hard you have to work every day to keep within the health and safety rules and keeping tenants happy in their rented homes. Government just see us as cash cows and a way to raise funds to prop up a BADLY run country. They squander our hard-earned taxes on unnecessary projects in my opinion its ridiculous so NO I do not agree with doubling our Council Tax payments after 12months of a property becoming empty after all we will be paying the full 100% council tax like any other homeowner.”

“Obviously it's unfair. Currently we are paying to have the bin emptied about once a month and we take the recycling home with us to our first home because there are no recycling facilities at the property, which we bought in 2018.”

“I understand the effect of second homes in popular tourist areas. The premium is likely to cause many to be let as Air bnbs which will not alleviate such problems but might make them worse. My own second home is in a non-tourist area, is tiny and has little effect on availability of homes. When we visit, we contribute considerable amount to the local economy.”

“Not everyone has a second home as a holiday home. My reason for having a second home near Darlington is so I can look after my elderly parents. Others have second homes because of work reasons. I agree, second homeowners should perhaps pay some extra Council Tax, but it should be realistic. If I didn't have a second home in the area my parents would have to rely on local social services costing the system more money. It's wrong to penalise individuals who have second homes for a specific reason. I am often at my second home; I count it as a home not a holiday or nice to have home. It's a necessity.”

“We and other family group members use the flat frequently. It is also used as my base when working in the UK. Rather than being a burden it provides Council services to others. The value of the flat had dropped, due to bad national government, so it does not cause any local housing inflation. Lack of affordable housing is a bad national government choice.”

“My property in Darlington is my sole property but due to working abroad it is classed by you as a second home. I feel it is already unfair to have to say my property is a second home when it is my sole home and therefore don't think the council should be able to charge double Council Tax as proposed.”

“Second homes could be in the process of being updated to comply with Government specifications regarding insulation and if this is the case then they should not be subject to Council Tax Premiums. If you are working in paid employment and only have evening and weekends to complete your project, if it unfair that you should be penalised because it is taking longer to complete the project.”

“Council Tax should be an even field - one tax one home or business - currently small businesses do not pay any Council Tax so why should someone else pay double.”

“Someone who has another home could improve their second property and improve their neighbourhood.”

“We bought a property last year which we use every two / three weeks for 4/5 days at least, but are mainly based in London. I grew up in the village and would like to settle back there one day. At the moment my parents who are in their late 70s still live in the village, so the property gives me the opportunity to help support them as they get older rather than relying on other Council services. I'd also say that we get actively involved in local events, make use of the pubs, restaurants, building + maintenance services and other local amenities and I think contribute well to the local economy. I feel we have been welcomed back into the local community and get involved as much as we can. I realise I am in a fortunate position, but as I've said I respect that, have solid links to the area and get involved where and when I can.”

“We are a pub/restaurant and the flat above is unoccupied and is part of a leased building. This is solely used as a storeroom and access is via the restaurant. The toilet/kitchen facilities in the flat are used by the staff. So this is not a 2nd home it is part of a business.”

“In Darlington second homes have a minimal effect on the community i.e. this is not a holiday area like the South-West of England. The 200 homes are a very small proportion of the housing stock so logically have a small impact on overall availability; also Darlington is currently seeing large amounts of new building which is in excess of the population growth of the Borough and the prices of 'used' homes are lagging as a consequence.”

"I own a Residential lodge in a Park Home which is classed as a second home although it has been unoccupied since 6 Feb 2023 and only furnished with the furniture and fittings which are an integral part of the property. It has been on the market, unoccupied, since 6 Feb 2023, the date we moved into a conventional house and on which I had to pay higher rate stamp duty as it was "a second home" despite it being my main residence. The park home had been bought in Oct 2021 with the remains of our savings after we had been defrauded of over £500,000, the proceeds from the sale of our previous house and was planned to be used to fund new house purchase. The rules of the park home required us to use the lodge as a main residence as a condition of purchase and it was not allowed to be used as a second home. The subsequent house purchase was funded by the compensation we eventually received for some of our earlier loss. However, the difference between the ways in which the markets for conventional housing and park home residences operate are such that matched exchange dates are not possible. Whilst I believe that it is appropriate for second homes to be as taxed at a higher rate, I consider such a policy should be nuanced to prevent those in circumstances such as ours to be exempt any punitive measures which might be considered to be Wednesbury unreasonable. As it is we pay Council Tax at full rate, site fees at full rate for a property we are trying to sell and don't use as well as being unable to reclaim the proportion of higher rate property transfer tax we had to pay on our new home."

"I have lived in Darlington since the age of eight and inherited the property from my mother. I live, together with my wife, in the property for extended stays usually about twice a year. As there are only some 200 properties classed as second homes in Darlington, their sale would only have a negligible effect on the market."

"We think that a small increase may be justifiable. Our property is used by us (the owners) for a week on average a month when visiting our family who live and work in the area. Initially the property was purchased so that we were able to support our family with childcare."

"I spend 4 days every month in my second home visiting my family. I paid tax on earnings I used to buy it. I pay Council Tax and use very little of council services. If I rent it, I feel it is profiteering. Likewise, if I use it for holiday let's. I feel it is extremely unfair and unreasonable to expect metro pay double rates."

"I use my second home for my son and his family to live in rent free while they save for a deposit. He works in the local area."

"The overall numbers of second homes is small. In most instances the reasoning behind these will be vast and complex. From your letter it appears you believe these properties being owned is stopping others from getting on the property ladder. 1. Firstly it is not unlawful to be successful and own multiple properties. Paying Council Tax for each property is fair but being down taxed is simply not. 2. Some properties are not for sale/available to be rented out. For example, my flat is connected to my business and on site of the business. I do not wish to rent this out to a random third party nor could it be sold. Due to the unfair mechanism of business rates, there is not a lot to be done here. 3. Darlington has many low value properties say in a state of disrepair or neglect. Ownership of some of these properties should be encouraged via discounted Council Tax not increased. 4. Many second homes are probably when rentals are empty. Again, a good landlord business should be encouraged not hindered."



**CABINET  
7 NOVEMBER 2023**

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## **COUNCIL TAX SUPPORT - SCHEME APPROVAL 2024-25**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -  
Elizabeth Davison, Group Director of Operations**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To consider the draft Council Tax Support (CTS) scheme for 2024-25 before approval by Council on 30 November 2023.

#### **Summary**

2. On 22 November 2022, Council approved the local CTS scheme for 2023-24 and the scheme became operational on 1 April 2023.
3. Councils are required to set a CTS scheme each year and as part of that exercise:
  - (a) Consider whether any changes should be made to the existing scheme, and
  - (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
4. This report sets out the details of the CTS scheme for 2024-25. No significant changes are proposed to the existing scheme.
5. This report was considered by the Economy and Resources Scrutiny Committee on 2 November 2023, which at the time of writing has not taken place. It is anticipated the Committee will have agreed its onward submission for consideration by Cabinet. The Responsible Cabinet Member for Resources will provide confirmation at the meeting.

#### **Recommendation**

6. It is recommended that Cabinet consider and approve the draft CTS scheme for 2024-25 at **Appendix 1** and for it to be submitted to Council for decision.

## Reasons

7. The recommendation is supported by the following reasons :-
- (a) The Council is required to publish a local CTS scheme for 2024-25 by 11 March 2024.
  - (b) The CTS schemes since 2013 have all been implemented successfully without any major challenges.
  - (c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

**Elizabeth Davison**  
**Group Director of Operations**

## Background Papers

- (i) Local Government Finance Bill 2012
- (ii) Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no issues
Health and Wellbeing	The CTS scheme may have an adverse impact on the health and well-being of low income groups
Carbon Impact and Climate Change	There is no impact in this report
Diversity	Working aged recipients of CTS are treated differently to pensioners, whose CTS entitlement is decided under a national set of regulations
Wards Affected	All wards are affected but in particular, those with higher numbers of people claiming CTS
Groups Affected	Working age recipients of CTS are affected by the local scheme. Pensioners are protected under a national set of regulations.
Budget and Policy Framework	The issues contained within this report do not represent a change to Council budget or the Council's policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
Council Plan	This report supports the Council Plan to maximise Council Tax income
Efficiency	The operation of the local CTS scheme continues to represent a significant financial challenge to the Council and other precepting authorities

Impact on Looked After Children and Care Leavers	Care leavers under the age of 25 are exempt from Council Tax and are therefore unaffected by the CTS scheme
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## MAIN REPORT

### Information and Analysis

8. Since 2013, the previous national Council Tax Benefit scheme was replaced with local CTS schemes, designed and administered by local authorities. Grants are paid to local authorities to fund CTS, but the overall amount does not fully meet actual expenditure levels.
9. The Council is required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing. A full public consultation exercise and an equality impact assessment were undertaken on the initial scheme in 2013.
10. Each year, the Council has to consider whether any changes should be made to the existing scheme and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
11. Each year's scheme then has to be approved by full Council.
12. The key feature of Darlington's CTS scheme is that working aged people can only receive a maximum of 80% support towards their Council Tax. From April 2023, care leavers under the age of 25 were made exempt from Council Tax, under our discretionary powers. Therefore, they are unaffected by the CTS scheme. Pensioners are protected under a national set of regulations.
13. No other changes are recommended for the 2024-25 CTS scheme. However, Members should note the following:
  - (a) The applicable amounts in Table 1 and non-dependant deductions in Table 2 are those amounts currently applied to the 2023-24 CTS scheme and will be uprated for 2024-25. The uprated amounts will be calculated with reference to the amended Prescribed Requirement regulations and Social Security Benefits Uprating Order. These regulations will be published in January 2024 and the CTS scheme for 2024-25 will therefore be amended before publication.
  - (b) Any other changes to the Prescribed Requirements regulations 2024 will also be incorporated into the CTS scheme for 2024-25 before publication. These changes are for reference only and do not represent a change to the local CTS scheme.

### Financial Implications

14. The recommendation in paragraph 6 will not have any significant financial implications and therefore it is not intended to amend the budget in the MTFP.

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# **Council Tax Support Scheme**

**2024 - 2025**

## Introduction

1. Council Tax Support (also referred to as Council Tax Reduction) is the means of helping people on low incomes pay their Council Tax. Each Council Tax billing authority is responsible for setting its own local Council Tax Support scheme every year.
2. Pensioners are protected from the effects of local schemes by a national framework of rules and eligibility. Working aged people however are subject to the provisions of the locally defined scheme.
3. On 24 November 2022, Darlington Borough Council approved the Council Tax Support scheme for 2023-2024, which became operational from 1 April 2023.
4. This document sets out Darlington Borough Council's scheme for 2024-2025 and should be read in conjunction with the following regulations.
  - (a) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
  - (b) The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012.
  - (c) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013.
  - (d) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014.
  - (e) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014.
  - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015.
  - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016.
  - (h) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.
  - (i) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018.
  - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020.
  - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021.

- (l) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022.
- (m) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023.

## Executive Summary

### Prescribed requirements

5. There are a number of prescribed requirements that will apply to all local Council Tax Support schemes and are therefore not included in Darlington's local scheme. These are set out in the regulations referred to in paragraphs 4(a) to 4(m), copies of which can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
6. Where the prescribed regulations apply, reference has been made to the relevant parts in the Council Tax Support scheme. For the purpose of this document, "the regulations" are the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as amended. A summary of the key features of the regulations are as follows:
  - (a) There is a prescribed scheme for persons who have reached the qualifying age for state Pension Credit. 'Working aged' is defined as people who have not yet reached the qualifying age for state Pension Credit.
  - (b) There are restrictions excluding foreign nationals with limited immigration status and non-economically active European Union individuals.
  - (c) Individuals with refugee status, humanitarian protection, discretionary or exceptional leave to remain granted outside the immigration rules and who are exempt from the habitual residence test are entitled to support with their Council Tax.
  - (d) Regulations allow arrangements for a person to act on behalf of another, for example where a person has been granted a power of attorney over a liable Council Tax payer.
  - (e) Formal rights of appeal are set out in the regulations and appeals are heard by Valuation Tribunals.
  - (f) Billing authorities are required to consider whether to revise or replace their Council Tax Support schemes each year and under such circumstances, to consider what transitional arrangements may be required to move from an existing local scheme to a replacement scheme. Schemes cannot be amended within a financial year.

### Key features of Darlington's Council Tax Support scheme

7. The requirements for Council Tax Support schemes are set out in an amendment to the Local Government Finance Act 1992, under Schedule 1A.
8. Council Tax Support for working aged people will be based on 80% of their Council Tax liability (as opposed to pensioners, where entitlement is based on 100%).
9. Entitlement to Council Tax Support will be means tested. The amount of Council Tax Support awarded will depend on:
  - (a) The circumstances of the claimant and their family, such as their income and savings.



- (b) The number of dependent children who live in the household and their circumstances.
- (c) The number of other adults who live in the household and their circumstances.
- (d) The amount of Council Tax, less any other discounts or reliefs.

#### Temporary absence from home

10. There are no temporary absence rules for working aged people in Darlington's Council Tax Support scheme. Anyone who is liable for Council Tax on a dwelling which is their sole or main residence and not subject to a Council Tax exemption is able to claim Council Tax Support. The temporary absence rules for pensioners are set out in Schedule 1, Part 1, paragraph 5 of the regulations.

#### Students

11. There are no specific exclusions for students in the Council Tax Support scheme. Anyone who is liable for Council Tax and not subject to the Council Tax student exemption is able to claim Council Tax Support.

#### Extended payments

12. Under the Council Tax Support scheme, anyone losing entitlement to a qualifying benefit, such as Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance or Universal Credit due to moving into work or increasing their hours or pay, automatically qualifies for a 4 week run on of their Council Tax Support.

#### Backdating

13. An automatic backdating rule exists for Council Tax Support claims. Claims can be paid for any period where entitlement to Council Tax Support exists. There is no requirement for a person to show 'good cause' as to why they didn't claim earlier.

14. The backdating rules for pensioners are set out in Schedule 8, Part 2, paragraph 6 of the regulations.

#### Discretionary discounts

15. The Council has the power under section 13A of the Local Government Finance Act 1992, to reduce the Council Tax liability of a person "to such an extent as it thinks fit". This includes the power to reduce the amount to nil.

16. The Council has a Council Tax Discretionary Discount policy, details of which can be found at: [Darlington Borough Council - Discounts and Exemptions](#).

## People who can claim Council Tax Support

### Who can claim

17. The rules for making an application to Council Tax Support is set out in Schedule 8, Part 2, paragraph 4 of the regulations. These state:

- (a) In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should apply or, in default of agreement, by such one of them as the Council decides.
- (b) Where the person who is liable for Council Tax is unable to act, the Council will accept or appoint a person who may make an application on their behalf, in accordance with the provisions contained within this part of the regulations.

18. The classes of working aged people entitled to a reduction under the Council's scheme are as follows:

### People in receipt of a qualifying benefit

19. People in receipt of a qualifying benefit are classed as:

- a) Working aged
- b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- c) Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

20. Having claimed Council Tax Support, this class of people will be entitled to a maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

### People with income equal to or less than their applicable amount

21. People with income equal to or less than their applicable amount are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) Income is equal to or less than their applicable amount

22. Having claimed Council Tax Support, this class of people will be entitled to a maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

### People with income more than their applicable amount

23. People with income more than their applicable amount are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) Income is more than their applicable amount

24. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

People receiving Universal Credit with income equal to or less than their Universal Credit maximum award

25. People receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) In receipt of Universal Credit
- (e) Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

26. Having claimed Council Tax Support, this class of people will be entitled to a maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

People receiving Universal Credit with income more than their Universal Credit maximum award

27. People receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) In receipt of Universal Credit

- (e) Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

28. Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

29. The classes of pensioners who are entitled to a Council Tax reduction are set out in Schedule 1, Part 1 of the regulations, as follows:

Pensioners with income equal to or less than their applicable amount

30. Pensioners with income equal to or less than their applicable amount are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in Schedule 1, Part 1, paragraph 5 of the regulations
- (d) Capital is less than £16,000
- (e) Income is equal to or less than their applicable amount.

31. Having claimed Council Tax Support, this class of people will be entitled to a maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

Pensioners with income more than their applicable amount

32. Pensioners with income more than their applicable amount are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in Schedule 1, Part 1, paragraph 5 of the regulations
- (d) Capital is less than £16,000
- (e) Income is more than their applicable amount.

33. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum

of 100% of their eligible Council Tax, less any deductions for non-dependants.

#### Alternative maximum Council Tax Support

34. People entitled to alternative maximum Council Tax Support are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- (d) One or more people reside with the claimant who are not a member of their family
- (e) No other resident in the dwelling is liable to pay rent to the claimant in respect of that dwelling.

35. Having claimed Council Tax Support, this class of people will have their Council Tax Support calculated on the income, or aggregate incomes, of one or more people who reside in the dwelling, up to a maximum of 25% of their eligible Council Tax.

#### Pensioners with war pensions

36. Pensioners with war pensions are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in Schedule 1, Part 1, paragraph 5 of the regulations
- (d) In receipt of a war pension, as defined by The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009.

37. Having claimed Council Tax Support, this class of people will be assessed in accordance with the prescribed regulations for pensioners. Any war pension will be fully disregarded.

#### Pensioners

38. The provisions for pensioners are set out in Schedules 1 to 6 of the regulations.

39. The meaning of who is and who is not a pensioner is set out in paragraph 3 of the regulations. These state:

- (a) A person is a 'pensioner' if they have attained the qualifying age for state Pension Credit; and

- (b) They, or their partner are not in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit
- (c) A person is 'not a pensioner' if they have not attained the qualifying age for state Pension Credit; or
- (d) They have attained the qualifying age for state Pension Credit and they, or their partner are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit.

#### Membership of a family

40. The meaning of a 'couple' is set out in paragraph 4 of the regulations. These state a 'couple' is:

- (a) A man and woman who are married to each other or who are civil partners of each other and are members of the same household; or
- (b) A man and a woman who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners; or
- (c) Two people of the same sex who are married to each other or who are civil partners of each other and are members of the same household; or
- (d) Two people of the same sex who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners.

41. The rules for polygamous marriages are set out in paragraph 5 of the regulations. This regulation applies to:

- (a) A person who is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, and
- (b) Either party to the marriage has for the time being any spouse additional to the other party.

42. The meaning of 'family' is set out in paragraph 6 of the regulations. These state a 'family' is:

- (a) A couple
- (b) A couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person
- (c) A person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person

- (d) A child or young person includes those in respect of whom section 145A of the Social Security Child Benefit Act 2005 applies for the purposes of entitlement to Child Benefit
  - (e) A young person does not include those who are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Universal Credit; or a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
43. The rules for circumstances in which a person is to be treated as responsible or not responsible for another are set out in paragraph 7 of the regulations. These state:
- (a) A person is to be treated as responsible for a child or young person who is normally living with them
  - (b) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household they are living in, they will be treated as normally living with;
    - i. the person who receives Child Benefit in respect of that child or young person, or
    - ii. if there is no such person, the person who has claimed Child Benefit, or the person who has the primary responsibility for them.
44. The rules for membership of a household are set out in paragraph 8 of the regulations. These state:
- (a) The claimant and any partner who are treated as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household
  - (b) A child or young person is not treated as a member of the claimant's household where they are;
    - i. placed with the claimant or their partner by a local authority under section 22C or 23(2)(a) of the Children Act 2002 or by a voluntary organisation under section 59(1)(a) of that Act, or
    - ii. placed with the claimant or their partner prior to adoption, or
    - iii. placed with the claimant or their partner in accordance with the Adoption and Children Act 2002
  - (c) A child or young person is not treated as a member of the claimant's household where they are not living with the claimant as they are;
    - i. being looked after by a local authority under a relevant enactment, unless they live with the claimant for part or all of a relevant week or the authority

considers it reasonable to do so taking into account the nature and frequency of that child's or young person's visits, or

- ii. placed with a person other than the claimant prior to adoption, or
- iii. placed for adoption in accordance with the Adoption and Children Act 2002.

#### Non-dependants

45. The meaning of non-dependants is set out in paragraph 9 of the regulations. These state a 'non-dependant' is:

- (a) Any person who normally resides with the claimant or with whom the claimant normally resides
- (b) This excludes;
  - i. any member of the claimant's family,
  - ii. a child or young person who is living with the claimant but is not classed as a member of their household,
  - iii. any person who is jointly and severally liable to pay Council Tax in respect of the dwelling,
  - iv. any person who is liable to make payments on a commercial basis to the claimant or their partner in respect of occupation of the dwelling, unless that person is a close relative of the claimant or their partner, or the tenancy or other agreement between them is other than on a commercial basis, or where it appears to the authority to have been created to take advantage of a scheme,
  - v. a person who lives with the claimant in order to care for them or their partner and who is engaged with a charitable or voluntary organisation which makes a charge to the claimant or their partner for the services provided by that person.

#### Persons from Abroad

46. The rules for persons treated as not being in Great Britain are set out in paragraph 12 of the regulations. These state:

- (a) Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme
- (b) Except where a person falls within paragraph (e) below, a person is to be treated as not being in Great Britain if the person is not habitually resident in the United



Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

- (c) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places
- (d) A right to reside does not include a right which exists by virtue of, or in accordance with;
  - i. regulation 13 of the EEA regulations 2016,
  - ii. regulation 14 of the EEA regulations 2016, but only in a case where the rights exist under that regulation because the person, or a family member, is a jobseeker for the purpose of the definition of a 'qualified person' in regulation 6(1) of those regulations,
  - iii. regulation 16 of the EEA regulations 2016, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (5) of that regulation,
  - iv. a person having been granted limited leave to enter, or remain in the United Kingdom under the Immigration Act 1971 by virtue of;
    - 1. Appendix EU to the immigration rules made under section 3(2) of that Act (except a person who has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland and would have a right to reside under EEA Regulations 2016 if the relevant person of Northern Ireland were an EEA national),
    - 2. being a person with a 'Zambrano' right to reside as defined in Annex 1 and Appendix EU to the immigration rules made under section 3(2) of that Act;
    - 3. having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- (e) A person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, except;
  - i. a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of the Afghan Relocations and Assistance Policy, or the previous scheme for locally-employed staff in Afghanistan,

- ii. a person in Great Britain who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021,
- iii. a person in Great Britain who was residing in Ukraine immediately before 1 January 2022, left Ukraine in connection with the Russian invasion, which took place on 24 February 2022 and has been granted leave in accordance with immigration rules under section 3(2) of the Immigration Act 1971, or has a right to abode in the United Kingdom within the meaning given in section 2 of that Act, or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,
- iv. a qualified person (or their family member), for the purposes of regulation 6 of the EEA regulations 2016 as a worker or self-employed person,
- v. a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA regulations 2016,
- vi. a family member of a relevant person of Northern Ireland, with a right to reside, provided that the relevant person of Northern Ireland is a qualified person, or would do so but for the fact they are not an EEA national,
- vii. a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020,
- viii. a family member of a frontier worker, who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971,
- ix. a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees, as extended by Article 1(2) of the Protocol relating to the Status of Refugees,
- x. a person who has been granted leave outside of the rules under section 3(2) of the Immigration Act 1971,
- xi. a person who has humanitarian protection granted under those rules,
- xii. a person who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom,
- xiii. a person in receipt of Income Support or income related Employment and Support Allowance,
- xiv. a person in receipt of income based Jobseekers Allowance and has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland,

- xv. a Crown servant or member of HM forces posted overseas and the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
47. The rules for persons subject to immigration control are set out in paragraph 13 of the regulations. These state:
- (a) Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme, except;
    - i. a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance, or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom
  - (b) 'Persons subject to immigration control' has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

#### Applicable amounts

48. The applicable amount will be made up of a number of elements. These may include, depending upon individual circumstances:
- (a) A personal allowance for the claimant and their partner
  - (b) An amount for every child or young person who is a member of the family
  - (c) A family premium where at least one child or young person is part of the household
  - (d) Premiums for people in receipt of Employment and Support Allowance
  - (e) Premiums which may apply in special circumstances.
49. The weekly amounts to be included in the applicable amount are detailed below. The qualifying conditions for each of these personal allowances and premiums are set out in Schedule 3 of The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. These are summarised in **Table 1**. The applicable amounts for pensioners are set out in Schedule 2 of the regulations.
50. The amounts detailed below in Table 1 are those stated within the 2023-2024 scheme and will be updated for 2024-2025. The updated amounts will be calculated with reference to the amended regulations and Social Security Benefits Up-rating Order.
51. People in receipt of Universal Credit will have their Council Tax Support calculated based on their Universal Credit maximum award.

52. The Family Premium does not apply from 1 May 2016, unless the conditions in paragraph 53 apply.
53. Claims for Council Tax Support where the Family Premium applied at 30 April 2016 will continue to be entitled to the Family Premium from 1 May 2016 until their claim for Council Tax Support ends or their household no longer includes at least one child or young person.

**Table 1: Applicable Amounts**

<b>Personal allowances</b>	<b>Weekly amount 2023-2024</b>	<b>Weekly amount 2024-2025</b>
Single claimant aged 18 to 24	£67.20	
Working aged single claimant aged 25 or over	£84.80	
Single claimant entitled to main phase Employment and Support Allowance	£84.80	
Working aged lone parent	£84.80	
Working aged couple	£133.30	
Couple entitled to main phase Employment and Support Allowance	£133.30	
Single claimant or lone parent who has attained pensionable age before 1 April 2021	£217.00	
Couple where one or both members have attained pensionable age before 1 April 2021	£324.70	
Single claimant or lone parent who has attained pensionable age on or after 1 April 2021	£201.05	
Couple where one or both members have attained pensionable age on or after 1 April 2021	£306.85	
A child or young person until the day before their twentieth birthday	£77.78	
<b>Family premium</b>	<b>Weekly amount 2023-2024</b>	<b>Weekly amount 2024-2025</b>
A household which includes at least one child or young person (but see paragraphs 52 and 53)	£18.53	
<b>Employment and Support Allowance premiums</b>	<b>Weekly amount 2023-2024</b>	<b>Weekly amount 2024-2025</b>
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£33.70	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£44.70	
Special circumstances premiums (entitlement limited to only one of the premiums below)	<b>Weekly amount 2023-2024</b>	<b>Weekly amount 2024-2025</b>

<p>Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Adult Disability Payment</li> <li>• Armed Forces Independence Payment</li> </ul>	£39.85	
<p>Disability premium (couple) – the claimant or partner is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Adult Disability Payment</li> <li>• Armed Forces Independence Payment</li> </ul>	£56.80	
<p>Carers premium – the claimant or partner is entitled to Carers Allowance, the carers element in Universal Credit, or the carers addition in Pension Credit</p>	£42.75	
<p>Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)</p>	<b>Weekly amount 2023-2024</b>	<b>Weekly amount 2024-2025</b>
<p>Severe disability premium (single rate) - for a single claimant, lone parent or couple where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner is receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or the daily living component of Adult Disability Payment at the standard or enhanced rate, or Armed Forces Independence Payment, and</li> </ul>	£76.40	

<ul style="list-style-type: none"> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance, carers element, or carers addition for looking after them.</li> </ul>		
<p>Severe disability premium (double rate) – for a couple where:</p> <ul style="list-style-type: none"> <li>• Both the claimant and partner are receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or the daily living component of Adult Disability Payment at the standard or enhanced rate, or Armed Forces Independence Payment, and</li> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance, carers element, or carers addition for looking after both of them.</li> </ul>	<p>£152.80</p>	
<p>Enhanced disability premium (single) – where:</p> <ul style="list-style-type: none"> <li>• The claimant has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family, or</li> <li>• The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant’s family,</li> <li>• The daily living component of Adult Disability Payment is payable at the enhanced rate for the claimant or any member of the claimant’s family, or</li> <li>• Armed Forces Independence Payment is payable for the claimant or any member of the claimant’s family.</li> </ul>	<p>£19.55</p>	

<p>Enhanced disability premium (couple) – where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family, or</li> <li>• The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant’s family,</li> <li>• The daily living component of Adult Disability Payment is payable at the enhanced rate for the claimant or any member of the claimant’s family, or</li> <li>• Armed Forces Independence Payment is payable for the claimant or any member of the claimant’s family.</li> </ul>	<p>£27.90</p>	
<p>Enhanced disability premium (disabled child) – where:</p> <ul style="list-style-type: none"> <li>• The highest rate care component of Disability Living Allowance is payable for a child or young person, or</li> <li>• The daily living component of Personal Independence Payment is payable for a child or young person, or</li> <li>• The daily living component of Adult Disability Payment is payable at the enhanced rate for a young person, or</li> <li>• Armed Forces Independence Payment is payable for a young person.</li> </ul>	<p>£30.17</p>	
<p>Disabled child premium – where a child or young person:</p> <ul style="list-style-type: none"> <li>• Receives Disability Living Allowance, or</li> <li>• Receives Personal Independence Payment, or</li> <li>• Receives the daily living component of Adult Disability Payment, or</li> <li>• Receives Armed Forces Independence Payment, or</li> <li>• Is registered blind.</li> </ul>	<p>£74.69</p>	



## **Making a claim**

54. The rules by which a person may apply for a reduction under an authority's scheme are set out in Schedule 7, Part 1 of the regulations. These state that:
- (a) The claim may be made in writing, by electronic communication means or by telephone
  - (b) A claim made in writing must be made to the Council on a properly completed form
  - (c) A claim is considered properly completed if it has been completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim
  - (d) Where a claim is defective because it has not been made on a form approved for the purpose, the Council may request the claimant to complete an approved form
  - (e) Where a claim is defective because it is not accepted as being properly completed, the Council may allow the claimant sufficient time to provide information and evidence in connection with the claim, or request further information and evidence
  - (f) If a claim made by electronic communication is defective, the Council must provide the claimant with an opportunity to correct the defect. A claim made by electronic communication is defective if the claimant does not provide all the information the Council requires.

### Time and manner of making a claim

55. A claim for Council Tax Support may be made with the Council by completing the on-line claim form on the 'Council Tax Support' page of the Darlington Borough Council website. Where the Council holds sufficient information to decide entitlement to Council Tax Support, the claim may be made by telephone.
56. Where the Council becomes aware that a person may be entitled to Council Tax Support, or where a claim form has been requested, they will invite a claim by asking them to complete the on-line claim form or by contacting them by telephone.
57. Where a claim is made for Housing Benefit and the claimant or their partner is liable for Council Tax in respect of that dwelling, the claim for Housing Benefit will be deemed to be a claim for Council Tax Support.
58. Where a claimant notifies the Department for Work and Pensions of their intention to apply for Council Tax Support and as a consequence of this notification, the Department for Work and Pensions share details of the claimant's Department for Work and Pensions benefit with the Council, this data share will constitute an application for Council Tax Support.
59. The Council will offer assistance to the claimant to make their claim for Council Tax Support, where this is required.

### Information and evidence

60. The rules for the information and evidence required to support a claim or ongoing award of Council Tax Support is set out in Schedule 8, Part 2, paragraph 7 of the regulations. These state:

- (a) The claim must be accompanied by a statement of the claimant's (and any other person in respect of whom they are making an application) national insurance number and information or evidence to establish that that number has been allocated to that person
- (b) Where the person has applied for a national insurance number, the claim must be accompanied by evidence of the application for a national insurance number to be allocated
- (c) The claim must be accompanied by any certificates, documents, information and evidence in connection with the claim or an award as may reasonably be required by the Council to decide the claim or a continuing award
- (d) The claimant must provide the Council with the information and evidence it requires to decide the claim or a continuing award within one month of a request to do so, or such longer time as the Council may consider reasonable
- (e) The claimant is not required to provide evidence of any income or capital which are disregarded under the Council Tax Support scheme.

61. Where information and/or evidence has already been verified by the Department for Work and Pensions in relation to a claim for Income Support, Jobseekers Allowance, Employment and Support Allowance, Universal Credit, or Pension Credit, the Council will also accept this as verified for any Council Tax Support claim or a continuing award.

### Amendment and withdrawal of claim

62. The rules for the amendment and withdrawal of a claim for Council Tax Support is set out in Schedule 8, Part 2, paragraph 8 of the regulations. These state:

- (a) A person who has made a claim may amend it at any time before a decision has been made on it
- (b) A person who has made a claim may withdraw it at any time before a decision has been made on it.

## **Income and capital**

### Treatment of income

63. The income of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the income will be the assessment of income provided by Universal Credit, plus the award of Universal Credit.
64. 'Income' includes any of the following:
- (a) Earnings
  - (b) Social Security Benefits
  - (c) Tax credits
  - (d) Pensions
  - (e) Maintenance
  - (f) Income from rent / board and lodgings
  - (g) Royalties
  - (h) Student grants
  - (i) Compensation payments.
65. Income will be calculated on a weekly basis. Any income paid for a period other than on a weekly basis, will be converted to a weekly figure. All income will be taken into account in full, unless a disregard applies.
66. The income to be taken into account will be the actual weekly income or likely average weekly income of the claimant and partner. This will be calculated over such a period as is likely, in the opinion of the Council, to provide the most accurate estimate.
67. In the case of earnings from employment, the earnings will be taken into account for the period they relate to, even if the person does not actually receive the earnings from their employer during that period.
68. In the case of earnings from employment, where employment is due to commence, an estimate of likely earnings will be based on whatever information is available from the person or the person's employer.
69. The treatment of income for pensioners is set out in Schedule 1, Part 6 of the regulations.

### Earnings

70. The meaning of remunerative work is set out in paragraph 10 of the regulations. These state:

- (a) A person must be treated as in remunerative work if they are engaged on average, for not less than 16 hours a week, in work for which payment is made or expected
- (b) Where a person's working hours fluctuate, regard must be had to the normal cycle of work, the number of hours they are expected to work, or the 5 weeks immediately prior to the date of claim or such other length of time that may allow the person's weekly average hours of work to be determined
- (c) Where a person works at a school or other educational establishment, any vacation periods or holidays where they are not required to work will be disregarded for establishing the average hours for which they are working
- (d) Where no recognisable cycle can be established in respect of a person's work, regard must be had to the number of hours or average hours where these fluctuate, which they are expected to work in a week
- (e) Any periods of absence from work, such as holiday, will be disregarded for establishing the average hours for which the person is working
- (f) A person must not be treated as engaged in remunerative work if they are on maternity leave, paternity leave, adoption leave, shared parental leave, parental bereavement leave, or if they are absent from work because they are ill.

71. 'Earnings' mean any remuneration or profit derived from that employment and includes:

- (a) Bonuses or commission
- (b) Payments in lieu of remuneration
- (c) Payments in lieu of notice
- (d) Holiday pay
- (e) Payments by way of a retainer
- (f) Payments for expenses not wholly, exclusively and necessarily incurred in the performance of the employment
- (g) Statutory sick pay, maternity pay, paternity pay, shared parental pay, parental bereavement pay, or adoption pay.

72. A claimant or partner's net earnings will be the gross earnings less:

- (a) Income Tax

(b) National Insurance contributions

(c) Half of any sum paid by the employee towards an occupational or personal pension scheme.

73. Where the person is receiving Universal Credit, the earnings will be the assessment of earnings provided by Universal Credit.

74. The calculation of earned income for pensioners is set out in Schedule 1, Part 6 of the regulations.

75. The following sums will also be disregarded in the calculation of earnings:

(a) Temporary care provision payments in the calculation of earnings

(b) Payments relating to former employment paid after retirement

(c) Compensation payments for loss of employment

(d) Guarantee payments on medical or maternity grounds

(e) Payments for expenses wholly, exclusively and necessarily incurred in the performance of the employment

(f) For a single person, the first £5.00 each week of any earnings

(g) For a couple, the first £10.00 each week of any earnings

(h) For a lone parent, the first £25.00 each week of any earnings

(i) For people in receipt of contribution-based Employment and Support Allowance, Incapacity Benefit or Severe Disablement Allowance, where a permitted earnings disregard applies, the first £167.00 each week of any earnings

(j) For people entitled to the disability premium, the severe disability premium or one of the Employment and Support Allowance premiums, the first £20.00 each week of any earnings, except where the permitted earnings disregard applies

(k) For people entitled to the carers premium, the first £20.00 each week of any earnings

(l) For people in certain special occupations, the first £20.00 each week of any earnings. These are:

i. Part-time fire-fighters

ii. Auxiliary coastguards

- iii. Part-time life-boat workers
  - iv. Members of the Territorial Army or similar reserve force
- (m) For people in receipt of the additional earnings disregard in Working Tax Credit, an additional disregard of £17.10 each week of any earnings. If the additional disregard would result in a negative earned income figure, the disregard will be made from their Working Tax Credit
- (n) Disguised remuneration lump sum payments
- (o) Child care charges (see below).

76. The sums disregarded from pensioner's earnings are set out in Schedule 4 of the regulations.

#### Child care charges

77. Child care charges up to a maximum of £175.00 each week for one child, or £300.00 each week for two or more children, will be deducted from earned income, plus any Working Tax Credit and Child Tax Credit where:

- (a) A lone parent works 16 hours each week or more, or
- (b) Both members of a couple work 16 hours each week or more, or
- (c) One member of a couple works 16 hours each week or more and the other member of the couple is disabled, and the disability premium or one of the Employment and Support Allowance premiums is included in the couple's applicable amount due to this disability, or
- (d) One member of a couple works 16 hours each week or more and the other member of the couple is on maternity leave and receiving Statutory Maternity Pay or Maternity Allowance, or
- (e) One member of a couple works 16 hours each week or more and the other member of the couple is in hospital or prison.

78. The child must be under 15 years of age, or 16 if they are disabled, and the care must be provided by one of the following:

- (a) A registered child minder
- (b) A registered nursery or play scheme
- (c) An out of hours scheme run by an approved provider

- (d) An out of hours club provided by a school on school premises (this applies only if the child is aged 8 or over).

79. The treatment of child care charges for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Self-employed earnings

80. The weekly earnings of a self-employed claimant or partner will be calculated based on:

- (a) The most recent year's trading accounts, if the claimant or partner have been self-employed for one year or more, or
- (b) The estimated net weekly profit figure provided by the claimant or partner, if they have been self-employed for less than a year, together with any evidence of their recent actual income and expenses.

81. In calculating the estimated net weekly profit figure, the Council will use the gross income of the employment, less any expenses which are wholly and reasonably incurred for the purpose of the business. The following will not be allowable in the calculation of the estimated net weekly profit figure:

- (a) Sums employed or intended to be employed in setting up or expanding the business
- (b) Capital repayments on business loans, except where these are for replacing business equipment or machinery
- (c) Any other capital expenditure
- (d) Depreciation of any capital asset
- (e) Losses incurred before the beginning of the assessment period
- (f) Debts, other than proven bad debts
- (g) Business entertainment
- (h) Any sum for domestic or private use
- (i) Drawings from the business.

82. For child minders, one third of the gross profit will be used to calculate the gross income.

83. The net income will then be calculated by deducting an amount for tax, national insurance contributions and half of any pension contributions from the gross pre-tax profits.

84. In cases where the actual tax and national insurance contributions are not provided, the Council will estimate the likely tax and national insurance contributions payable.

85. The treatment and calculation of self-employed earnings for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Student grants

86. The whole amount of a person's grant income will be taken into account, with the exception of the following:

- (a) Payments for tuition fees or examination fees
- (b) Payments in relation to the student's disability
- (c) Payments for term-time residential study away from the student's educational establishment
- (d) Payments for another home at a place other than which the student resides during the course
- (e) Payments for books and equipment
- (f) Payments for travel expenses to attend the course
- (g) Payments for child care costs
- (h) Any special support grant, education maintenances allowances, 16-19 bursary fund payments, higher education grant, or higher education bursary for care leavers
- (i) Any other amounts intended for expenditure necessary to attend the course.

87. A student's grant income will be apportioned over the period of study the grant relates to.

#### Student covenant income

88. Where a student is receiving a grant and a contribution has been assessed, the whole of the covenant income will be taken into account.

89. A student's covenant income will be apportioned over the whole calendar year and an amount of £5.00 each week will be disregarded.

90. Where a student is not receiving a grant, the whole of the covenant income will be taken into account. In these circumstances, a student's covenant income will be apportioned as follows:

- (a) Any covenant income up to the amount of the standard maintenance grant will be apportioned over the period of study, less any amounts to be disregarded as set out above in 'Student grants'.



- (b) Any covenant income over the amount of the standard maintenance grant will be apportioned over the whole calendar year and an amount of £5.00 each week will be disregarded.

#### Student loans

91. The whole amount of a person's student loan will be taken into account, less any amounts to be disregarded in the same way as set out above in 'Student grants'. A student's loan will be apportioned over the period of study the loan relates to and an amount of £10.00 each week will be disregarded.

92. A person will be treated as having a student loan in respect of an academic year where:

- (a) A student loan has been made to them for that year, or
- (b) They could have taken reasonable steps to acquire a loan. In these cases, the amount to be taken into account will be the maximum amount they could have acquired for that year.

93. A loan for fees, known as a fee loan or a fee contribution loan will be fully disregarded.

#### Payments from access funds

94. A payment from access funds will be disregarded as income, with the exception of any payments intended for:

- (a) Food
- (b) Ordinary clothing or footwear
- (c) Household fuel
- (d) Water charges
- (e) Rent
- (f) Council Tax.

95. In these circumstances, the whole amount will be taken into account and an amount of £20.00 each week will be disregarded.

96. Where a payment from access funds is made to bridge the period until a student loan is received, the whole amount will be disregarded.

#### Student income treated as capital

97. The following amounts paid to students will be treated as capital:

- (a) A refund of tax deducted from a student's covenant income

- (b) An amount paid from access funds as a single lump sum, whatever the purpose of the payment.

#### Notional income

- 98. A claimant will be treated as possessing income of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.
- 99. The treatment of notional income for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Tariff income from capital

- 100. Where the claimant and their partner have capital in excess of £6,000 (but less than £16,000), a tariff income of £1.00 each week will be taken into account for every £250, or part of £250, over £6,000.
- 101. The calculation of tariff income from capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Other income

- 102. Any other income of the claimant or partner will be taken fully into account, with the exception of 'income disregarded' below.
- 103. Where deductions are being made from income in the recovery of overpayments or taxes, by public bodies, the gross income amount will be taken into account.

#### Income disregarded

- 104. The following income paid to the claimant or partner will be disregarded in full, unless otherwise stated:
  - (a) Any payment of expenses for participation in 'work for your benefit' schemes
  - (b) Any payment of expenses for attending mandatory work activity, employment, skills or enterprise schemes
  - (c) Any payment of expenses for a person who is a volunteer for a charitable or voluntary organisation
  - (d) Any payment of expenses for a person who participates as a service user
  - (e) Certain state benefits and pensions:
    - i. Adult Disability Payments

- ii. Armed Forces Independence Payments
  - iii. Attendance Allowance
  - iv. Child Benefit
  - v. Disability Living Allowance
  - vi. Discretionary Housing Payments
  - vii. Education Maintenance Allowance
  - viii. Guardian's Allowance
  - ix. Housing Benefit
  - x. Income Support
  - xi. Income based Jobseekers Allowance
  - xii. Income related Employment and Support Allowance
  - xiii. Mobility supplements
  - xiv. Personal Independence Payments
  - xv. Any war pension, as defined by The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009
  - xvi. Widowed Mother's Allowance
  - xvii. Widowed Parent's Allowance
- (f) The income of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (g) Universal Credit payments (for pension-aged claims only)
- (h) Any payment made to a person as a holder of the Victoria Cross or George Cross
- (i) Charitable or voluntary payments
- (j) Any income from capital
- (k) Any payments received from dependants or non-dependants
- (l) The first £20.00 each week of any rental payments from a person, other than a non-dependant, who occupies the claimant's home

- (m) The first £20.00 each week, and then 50% of any income over £20.00 each week, of any rental payments from a boarder, other than a non-dependant, who occupies the claimant's home
- (n) Any payment in kind made by a charity
- (o) Any income payable outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (p) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (q) Any payment made for a person who is not normally a member of the claimant's household, but is temporarily in their care
- (r) Any payment made by a Local Authority under section 17 of the Children's Act 1989
- (s) Any payment ordered by a court for a personal injury, accident or disease in respect of the claimant or their family
- (t) Any payment made under an agreement to settle a claim for personal injury
- (u) Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments of a loan
- (v) Any income treated as capital
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme
- (x) Any payment for banking charges or commission, to convert a payment of income to sterling
- (y) Any payment made under the following:
  - i. The Macfarlane Trust
  - ii. The Eileen Trust
  - iii. The Independent Living Fund
  - iv. The Skipton Fund
  - v. The Caxton Foundation
  - vi. The London Bombing Relief Charitable Fund
  - vii. The London Emergencies Trust

- viii. The We Love Manchester Emergency Fund
  - ix. The Variant Creutzfeldt-Jacob Disease Trust
  - x. An approved infected blood support scheme
  - xi. The Thalidomide Health Grant or other Thalidomide Trust
  - xii. Any Windrush Compensation Scheme payment
  - xiii. Any historical child abuse payment
  - xiv. The National Emergencies Trust
  - xv. The Child Migrants Trust
  - xvi. The Homes for Ukraine scheme
- (z) Any payment of expenses for jurors, witnesses or prison visitors
- (aa) Any refund of Council Tax
- (bb) Any payment of child maintenance
- (cc) The first £15.00 each week of any maintenance, other than child maintenance
- (dd) Sports awards
- (ee) Any victims' payments under the Victims' Payments Regulations 2020.

105. The income disregarded for pensioners is set out in Schedule 5 of the regulations.

#### Capital

106. The capital of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support.
107. Where the person is receiving Universal Credit, the capital will be the assessment of capital provided by Universal Credit.
108. All capital of the claimant or partner will be taken fully into account, with the exception of 'capital disregarded' below.
109. Where capital is jointly held by the claimant or partner and one or more other persons, the Council will apportion the capital to decide what share is held by the claimant or partner.

110. Where the value of the capital item is not known, the Council will calculate the value of the capital item using the information available to provide the most accurate estimate, including:

- (a) The current market or surrender value of the capital item
- (b) Less any costs for selling the capital item
- (c) Less any debt or charge secured against the capital item.

111. The treatment and calculation of capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Income treated as capital

112. The following payments will be treated as capital:

- (a) Holiday pay, paid 4 weeks or more after termination of employment
- (b) Tax refunds
- (c) Lump sum charitable or subsistence payments
- (d) Arrears of Tax Credits.

#### Notional capital

113. A claimant will be treated as possessing capital of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

114. The treatment of notional capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

#### Capital disregarded

115. The following capital held by the claimant or partner will be disregarded in full, unless otherwise stated:

- (a) The dwelling normally occupied by the claimant as their home
- (b) Any property which is actively being sold
- (c) Any property acquired by the claimant which they intend to occupy as their home, whilst they are preparing for occupation
- (d) Any property acquired by the claimant, which they intend to occupy as their home, which is undergoing essential repairs or alterations

- (e) The proceeds of sale of any property formerly occupied by the claimant as their home, which is to be used for the purchase of another property intended for their occupation
- (f) Any property occupied by a partner or relative of the claimant or any member of their family, where that person is a pensioner or is disabled
- (g) Any property occupied by the former partner of the claimant as their home, where the former partner is a lone parent, or where the property is actively being sold
- (h) The capital of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (i) Any future interest in property, other than land or premises where the claimant has granted a lease or tenancy
- (j) The assets of any business owned by the claimant for the purpose of their self-employment
- (k) Any arrears of state pensions, benefits or tax credits
- (l) Any amount paid to the claimant, or acquired by the claimant as a loan, as a result of damage or loss of the home or personal possessions and intended for its repair or replacement
- (m) Any amount deposited with a Registered Provider, which is to be used for the purchase of another property intended for occupation
- (n) Any personal possessions
- (o) The value of the right to receive any income under an annuity or the surrender value of an annuity
- (p) Where the funds of a trust resulted from a payment for a personal injury to the claimant or their partner, the value of the trust fund and the right to receive any payment under that trust
- (q) The value of the right to receive any income under a life interest or from a life rent
- (r) The value of the right to receive any income payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (s) The surrender value of any life insurance policy
- (t) Where payments of capital are made by instalments, the value of the right to receive any outstanding instalments
- (u) Any payment made by a local authority under section 17 of the Children Act 1989

- (v) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme
- (x) Any refund of tax deducted on a payment of loan interest for the purpose of acquiring a home or carrying out repairs or improvement to the home
- (y) Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling
- (z) Any payment made under the following:
  - i. The Macfarlane Trust
  - ii. The Eileen Trust
  - iii. The Independent Living Fund
  - iv. The Skipton Fund
  - v. The Caxton Foundation
  - vi. The London Bombing Relief Charitable Fund
  - vii. The London Emergencies Trust
  - viii. The We Love Manchester Emergency Fund
  - ix. The Variant Creutzfeldt-Jacob Disease Trust
  - x. An approved infected blood support scheme
  - xi. The Thalidomide Health Grant or other Thalidomide Trust
  - xii. Any Windrush Compensation Scheme payment
  - xiii. Any historical child abuse payment
  - xiv. The National Emergencies Trust
  - xv. The Child Migrants Trust
  - xvi. The Homes for Ukraine scheme
- (aa) The value of the right to receive any rent
- (bb) Any payment in kind made by a charity



- (cc) Any refund of Council Tax
- (dd) Any payment made by a local authority to the claimant, to be used to purchase a property for occupation as their home, or to carry out repairs or alterations to the home
- (ee) Any payments for:
  - i. travel expenses for hospital visits
  - ii. medical supplies and vouchers
  - iii. health in pregnancy grants
- (ff) Home Office payments for prison visits
- (gg) Any payment made to assist a disabled person to obtain or retain their employment
- (hh) Any payment made by a local authority under the Blind Homeworkers' Scheme
- (ii) Any capital administered on behalf of a person by the High Court, County Court, or the Court of Protection
- (jj) Any payment to the claimant as a holder of the Victoria Cross or George Cross
- (kk) Any payment made to assist a person under the self-employment route
- (ll) Any payment of a sports award
- (mm) Any payment of an education maintenance allowance
- (nn) Any payment made by a contractor for a person participating in an employment zone programme
- (oo) Any arrears of subsistence allowance
- (pp) Any payment made by a local authority for a service which is provided to develop or sustain the capacity of the claimant or their partner to live independently in their accommodation, including personal budgets
- (qq) Any victims' payments under the Victims' Payments Regulations 2020.

116. The capital disregarded for pensioners is set out in Schedule 6 of the regulations.

## Calculation of entitlement

### Maximum Council Tax Support

117. The amount of a person's maximum Council Tax Support for a day which they are liable to pay Council Tax will be 80%.
118. The amount of Council Tax Support will be calculated as A divided by B and multiplied by 80% where:
- (a) A is the amount of Council Tax set for the financial year for the dwelling the person resides in and for which they are liable, less any discount which applies
  - (b) B is the number of days in that financial year
  - (c) Less any non-dependant deductions.
119. Where a person is jointly and severally liable for Council Tax, which they are liable with one or more other persons, the maximum amount of Council Tax Support will be the amount in A divided by the number of people who are jointly and severally liable. This will not apply if the only person they are jointly and severally liable with is their partner.
120. The maximum Council Tax Support for pensioners is set out in Schedule 1, Part 5 of the regulations.

### Council Tax Support taper

121. The percentage of excess income over the applicable amount (or Universal Credit maximum award) which will be deducted from the weekly maximum Council Tax Support will be 20%.

### Non-dependant deductions

122. A deduction from a person's maximum Council Tax Support will be made for non-dependants, as follows. The amounts detailed below are those stated within the 2023-2024 scheme (**Table 2**) and will be updated for 2024-2025 (**Table 3**). The updated amounts will be calculated with reference to the amended regulations.

**Table 2: Non-dependant deductions 2023-2024**

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
Less than £236.00	£4.60
Not less than £236.00 and less than £410.00	£9.40
Not less than £410.00 and less than £511.00	£11.80
Not less than £511.00	£14.15
A non-dependant aged 18 or over not in remunerative work	£4.60

**Table 3: Non-dependant deductions 2024-2025**

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
Less than £	
Not less than £                      and less than £	
Not less than £                      and less than £	
Not less than £	
A non-dependant aged 18 or over not in remunerative work	

123. In calculating the gross income of a non-dependant, any amounts which would normally be disregarded for a Council Tax Support claimant, will also be disregarded for a non-dependant.
124. Only one non-dependant deduction will be made for a couple, and the amount deducted will be based on their joint income, calculated as above.
125. Where a person is jointly and severally liable for Council Tax for a dwelling they reside in, which they are liable with one or more other persons, the amount of the non-dependant deduction will be apportioned equally between those liable persons.
126. Non-dependant deductions will not be made in the following circumstances:
  - (a) Where the claimant or their partner is blind
  - (b) Where the claimant or their partner receives Attendance Allowance, or the care component of Disability Living Allowance, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, or the daily living component of Adult Disability Payment
  - (c) Where the non-dependant normally resides elsewhere
  - (d) Where the non-dependant receives a training allowance
  - (e) Where the non-dependant is a full-time student
  - (f) Where the non-dependant is not residing with the claimant because they have been an in-patient for more than 52 weeks (without any break exceeding 28 days)
  - (g) Where the non-dependant receives Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance, or Pension Credit
  - (h) Where the non-dependant receives Universal Credit, where the award has been calculated on the basis that they do not have any earned income
  - (i) Where the non-dependant is aged under 18

- (j) Where the non-dependant is not residing with the claimant because they are a member of the armed forces and they are absent, while on operations, from the dwelling usually occupied as their home.

127. Where the income of the non-dependant is not known or has not been provided, the Council will assume that the maximum deduction will apply.

128. The rules for non-dependant deductions for pensioners are set out in Schedule 1, Part 3 of the regulations.

Date on which a claim is made and entitlement begins

129. The rules for the date on which a claim is made are set out in Schedule 8, Part 2, paragraph 5 of the regulations. These state:

- (a) Where an award of Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit has been made to the claimant or their partner; and the claim for Council Tax Support is made within one month of the date of the claim for one of those benefits; the date of claim will be the first day of entitlement to those benefits
- (b) Where the claimant or their partner is receiving Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit; and they become liable for Council Tax for the first time; and the claim for Council Tax Support is made within one month of the date of the change; the date of claim will be the date on which the change takes place
- (c) Where the claimant is the former partner of a person who was entitled to Council Tax Support before the date of death or separation; and the claimant makes a claim for Council Tax Support within one month of the date of death or separation; the date of claim will be the date of death or separation
- (d) Where the claim for Council Tax Support is made within one month of a request to claim Council Tax Support, or such longer period as the Council considers reasonable, the date of claim will be the date on which the request was made
- (e) In all other cases, the date of claim for Council Tax Support will be the date the claim form is received by the Council.

130. Council Tax Support will begin on the date of claim unless:

- (a) The claimant requests the claim is paid for an earlier period, or
- (b) The Council identifies entitlement to Council Tax Support for an earlier period.

131. Council Tax Support will be awarded for an earlier period once the Council has received sufficient information and evidence to calculate entitlement to Council Tax Support for

the earlier period.

132. The rules for the backdating of claims for pensioners are set out in Schedule 8, Part 2, paragraph 6 of the regulations.

Duration of award and reviews

133. Council Tax Support will be awarded for an indefinite period, until:

- (a) Council Tax liability ends
- (b) A change in the claimant or partner's circumstances results in Council Tax Support ending
- (c) The claimant fails to respond to a request for information or evidence in connection with their claim or an award.

134. The Council may review a person's entitlement to Council Tax Support at any time.

Extended reductions

135. A person who is entitled to Council Tax Support will be entitled to an extended reduction where:

- (a) The claimant or their partner were entitled to a qualifying benefit or any combination of those benefits of either;
  - i. Income Support, or
  - ii. Jobseekers Allowance (income based or contributory), or
  - iii. Employment and Support Allowance (income related or contributory), or
  - iv. Universal Credit, or
  - v. Incapacity Benefit, or
  - vi. Severe Disablement Allowance.
- (b) Entitlement to a qualifying benefit ceased because the claimant or their partner;
  - i. Commenced employment as an employed or self-employed earner, or
  - ii. Increased their earnings from their employment, or
  - iii. Increased the number of hours in their employment.

- (c) Providing that the claimant remains liable for Council Tax at the dwelling in which they reside during the extended reduction period.
136. The extended reduction period will start on the day after Council Tax Support would normally have ended after the qualifying benefit has ceased and will last for 4 weeks or up to the day Council Tax liability at the dwelling in which they reside ends, if this is earlier.
137. The amount of the extended reduction will be the higher of:
- (a) The amount of Council Tax Support which the claimant was entitled to before the qualifying benefit ceased, or
  - (b) The amount of Council Tax Support which the claimant is entitled to after the qualifying benefit ceased.
138. The rules for extended reductions for pensioners is set out in Schedule 1, Part 7 of the regulations.

Extended reductions – movers into Darlington

139. The rules covering people who move into Darlington who are in receipt of an extended reduction is set out in Schedule 8, Part 1, paragraph 2 of the regulations. These state:
- (a) Where a claim for Council Tax Support is made and the claimant or their partner is in receipt of an extended reduction from another authority, the Council must reduce any entitlement to Council Tax Support by the amount of that extended reduction.

## **Decision making and notifications**

### Decisions and notification

140. The rules by which the Council must make and notify decisions for Council Tax Support are set out in Schedule 8, Part 3 of the regulations. These state:
- (a) The Council must make a decision on a Council Tax Support claim within 14 days of receiving all the information and evidence for that claim, or as soon as reasonably practicable after that date
  - (b) The Council must notify the claimant in writing of any decision relating to a Council Tax Support claim within 14 days of making the decision, or as soon as reasonably practicable after that date
  - (c) The decision notice must include a statement informing the claimant of their duty to notify changes of circumstances, explaining the consequences of failing to comply with that duty, and setting out the changes which may affect entitlement to Council Tax Support
  - (d) Where the decision is to award Council Tax Support, the notice must include a statement as to how it will be paid
  - (e) The decision notice must include the procedure by which an appeal may be made
  - (f) The claimant may request a statement of reasons about the notification, within one month of the date of the notification. The statement of reasons must then be sent to the claimant within 14 days of the request, or as soon as reasonably practicable after that date
  - (g) A person affected by a decision relating to Council Tax Support will be the claimant, or where the person who is liable for Council Tax is unable to act, the accepted or appointed person who has made an application on their behalf.

### Payment of Council Tax Support

141. The rules for the payment of Council Tax Support are set out in Schedule 8, Part 4 of the regulations. These state:
- (a) Payment of Council Tax Support will be made to the person entitled to the reduction of their Council Tax liability
  - (b) Where a person is jointly and severally liable for Council Tax, payment of Council Tax Support will be paid to the person entitled to the reduction of an appropriate amount of their Council Tax liability, rounded to the nearest penny
142. Payment of Council Tax Support will be made by reducing the Council Tax liability of the person entitled to the reduction.

### Electronic communications

143. The rules by which the Council can undertake electronic communications is set out in Schedule 7, Part 4 of the regulations. These state:

- (a) The Council must meet certain conditions to allow electronic communication in relation to its Council Tax Support scheme
- (b) The Council may use intermediaries in connection with electronic communication in relation to its Council Tax Support scheme
- (c) Any information delivered by the Council by electronic means must meet all the other conditions relating to its Council Tax Support scheme
- (d) Proof of identity of the sender or recipient of information will need to be verified where information is sent or received by electronic means
- (e) The Council will need to establish procedures to verify delivery of information by electronic means.



## **Changes in decisions**

### Duty to notify changes of circumstances

144. The duty to notify changes of circumstances is set out in Schedule 8, Part 2, paragraph 9 of the regulations. These state:

- (a) The claimant, or a person acting on their behalf, must notify the Council of any changes of circumstances which they might reasonably be expected to know may affect their entitlement to Council Tax Support
- (b) Notification of a change of circumstances may be made in writing, by telephone or by any other means agreed by the Council and within 21 days of the change occurring, or as soon as reasonably practicable after that date.

145. Notifications of changes of circumstances in writing may be made by completing the on-line change of circumstances form on the 'Council Tax Support' page of the Darlington Borough Council website.

### Date on which a change of circumstances will affect Council Tax Support

146. The Council will review the amount of Council Tax Support, following a change of circumstances, as follows:

- (a) Where entitlement to Council Tax Support continues after the change, Council Tax Support will change on the Monday following the date the change occurred
- (b) Where entitlement to Council Tax Support ends after the change, Council Tax Support will end on the Sunday of the week in which the change occurred
- (c) Where Council Tax liability changes or ends, Council Tax Support will be changed or ended on the same day.

### Ending Council Tax Support

147. Council Tax Support will end in the following circumstances:

- (a) Council Tax liability ends
- (b) A Council Tax exemption applies
- (c) A change of circumstances occurs, which ends entitlement to Council Tax Support
- (d) A change of circumstances occurs, but there is insufficient information or evidence to decide if entitlement to Council Tax Support will continue
- (e) The claimant fails to provide, when requested, sufficient information or evidence to decide if entitlement to Council Tax Support will continue, one month following the date of the request or such longer time as the Council considers reasonable.

### Revisions

148. An original decision relating to a claim for Council Tax Support may be revised by the Council at any time, where:

- (a) The original decision was made in error, or
- (b) The original decision was made in ignorance of a material fact.

### Appeals

149. The rules by which a person may make an appeal against certain decisions of the authority are set out in Schedule 7, Part 2, paragraph 8 of the regulations. These state:

- (a) A person who disagrees with a decision in relation to their Council Tax Support claim may appeal in writing, stating their grounds for appeal
- (b) The Council must consider the appeal and notify the person in writing of the outcome of their appeal and the reasons for the decision, within 2 months of the appeal being received
- (c) If the person is still aggrieved or if the Council fails to notify the person of the outcome of their appeal within 2 months of receiving their appeal, they may appeal to a valuation tribunal under section 16 of the 1992 Act.

### Downward adjustments of Council Tax Support

150. Any additional Council Tax liability created as a result of a downward adjustment of Council Tax Support entitlement, will be treated under the national Council Tax regulations.

### Discretionary reductions

151. The rules for an application for a discretionary reduction are set out in Schedule 7, Part 3, paragraph 9 of the regulations. These state:

- (a) An application for a reduction under section 13A(1)(c) of the 1992 Act may be made in writing, by telephone, or by electronic means
- (b) A claim for Council Tax Support may also be treated as an application for a reduction under section 13A(1)(c) of the 1992 Act.

**CABINET  
7 NOVEMBER 2023**

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## **REVENUE BUDGET MONITORING 2023/24 – QUARTER 2**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -  
Elizabeth Davison, Group Director of Operations**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To provide a forecast of the 2023/24 revenue budget outturn as part of the Council's continuous financial management process.

#### **Summary**

2. This is the second revenue budget management report to Cabinet for 2023/24. The latest projections show an overall decline of £1.119m on the 2023-27 Medium Term Financial Plan (MTFP). This is due to £0.509m of additional balances following the 2022/23 outturn, and £1.200m of resources returned to reserves, offset by £2.602m of projected departmental overspends in 2023/24 and a £0.226m decline in corporate resources.
3. The decline relates to the significant demand being placed on our children's services, where numbers of children in care have increased by 33% from pre pandemic levels, despite the council using the government backed Strengthening Families approach, one of the governments social care innovations programmes. Darlington is not alone, the pressure in children's social care is manifesting itself across the country. We are lobbying government and have provided evidence to the Local Government Association to be used to demonstrate the issues, and disproportionate strain on Darlington's finances in this one area.
4. All departments have been scrutinising their budgets, reducing spend where possible to assist the financial position and subsequently most divisions are showing an underspend or an improvement on the quarter one position.

#### **Recommendation**

5. It is recommended that:-
  - (a) The forecast revenue outturn for 2023/24 be noted.
  - (b) Further regular reports be made to monitor progress and take prompt action if necessary.

## Reasons

6. The recommendations are supported by the following reasons:-
- (a) To continue effective management of resources.
  - (b) To continue to deliver services to agreed levels.

**Elizabeth Davison**  
**Group Director Operations**

## Background Papers

No background papers were used in the preparation of this report.

Brett Nielsen : Extension 5403

S17 Crime and Disorder	There are no specific crime and disorder implications in this report.
Health and Wellbeing	There are no issues relating to health and wellbeing which this report needs to address.
Carbon Impact and Climate Change	There are no specific carbon impact issues in this report.
Diversity	The report does not contain any proposals that impact on diversity issues.
Wards Affected	All wards are affected.
Groups Affected	No specific groups are particularly affected.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	The report does not require a key decision.
Urgent Decision	The report does not require an urgent decision.
Council Plan	The subject matter of the report, the Councils financial standing and financial management, is critical to delivery of the Council Plan, but this report does not contain new proposals.
Efficiency	The report contains updated information regarding efficiency savings contained in the MTFP.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

7. This is the second revenue budget management report to Cabinet for 2023/24 and provides a mid-year forecast of the 2023/24 revenue position as part of the Council's continuous financial management process.
8. To enable timely information to be presented and in accordance with the report publication requirements, this report has been completed before the end of the second quarter. As the Council operates frequent, regular and predictive budget management processes, including quarterly reports to Cabinet, changes in projected outturn, which are inevitable in a large and complex organisation, will be reported to future meetings.
9. The information in this report has been taken from the financial records for August and managers' projections for the remainder of the year, using their knowledge of events affecting the services they manage.
10. Overall as summarised in **Appendix 1**, the projected General Fund reserves position as at the 31 March 2024 is £16.003m, which is a decline of £1.119m on the planned balances in the 2023-27 MTFP. This decline relates to £0.509m additional underspend in the Council's 2022/23 financial results and £1.200m of resources returned to reserves, offset by £2.602m of projected departmental overspends in 2023/24 and a £0.226m decline in corporate resources.

### Departmental Resources

11. Departmental resource projections are summarised in **Appendix 2** and detailed in **Appendices 2(a) to 2(e)**.
12. The **People Group** budget is projected to be overspent by £3.867m, which is an increase of £1.442m on the position reported at Quarter 1. Childrens' services across the country are seeing significant increases in demand following the aftermath of the pandemic and Darlington is no different. The significant financial pressures are as a result of the increased number and complexity of children's placement costs and the additional staffing required to deal with the caseload levels. The main changes to the budget position are detailed below:
  - (a) **Children's Services** are projecting an overspend of £4.486m at the end of the financial year, an increase of £1.601m on the position reported at Quarter 1. The main changes in projections since Quarter 1 are as follows:
    - (i) Adoption and Placements budgets are forecast to be overspent by £4.201m at the year end, which is an increase in overspend from the previous report of £1.513m. This is due to higher levels of demand, with a further increase of 10 additional external residential placements at a projected cost of £1.266m and an increase of 6 Independent Foster Care Placements at £0.236m.
    - (ii) The overall children's staffing divisions are projected to be overspent by £0.297m, which is an increase from the Quarter 1 report of £0.137m. This is a combination

of additional staffing and agency costs to accommodate the increased children's referrals and case load levels, as well as further increases in support for children and families currently not in care.

- (iii) Disabled Children's division is projected to be underspent by £0.012m, which is an improved position from the previous report of £0.050m. The estimated overspend in staffing budgets has reduced from Quarter 1 and there is a projected underspend in disabled children's care packages within day care services and short break provision.
  - (b) **Development and Commissioning** division is reporting an underspend of £0.039m, this is an improved position from the previous report of £0.077m. The movement is mainly due to staffing vacancies and running cost savings of £0.101m, offset by additional pressures within the Voluntary Sector, due to increased demands on the Financial Inclusion and Community Care funds in response to the cost of living crisis.
  - (c) **Adults & Childrens Services** budgets are projected to be £0.074m underspent at the year end, an improvement of £0.062m. The Business Support and Performance sections are reporting an underspend of £0.074m due to staffing vacancies.
  - (d) **Adult Social Care and Health** are forecasting an underspend of £0.529m, which is a small improvement of £0.052m from Quarter 1. There has been a net increase in External Purchase of Care (EPC) budgets of £0.055m from Learning Disability packages with more complex placements, this has been reduced by a decrease in Older People Learning Disability packages. This increase in EPC has been offset by savings in staffing and running costs budgets across the rest of Adult Services.
13. The **Services Group** is projecting an underspend of £1.116m, an improvement of £0.916m from the reported position at Quarter 1. The headline changes are detailed below:
- (a) **Capital Projects, Transport and Highways Planning** is projected to be underspent by £0.531m an improvement of £0.521m on the position reported at Q1. The Concessionary Fares budget is estimated to be underspent by £0.501m based on the latest operator data and confirmed levels of contributions for 2023/24 from TVCA.
  - (b) **Community Services** is expected to be overspent by £0.110m, an increase of £0.010m from Quarter 1. The Cemeteries and Crematorium budget is projected to see a further shortfall in income of £0.070m which is primarily driven from the crematorium through increased choice in the market following the opening of several new crematoriums in the surrounding regions. The impact of the shortfall has been lessened by savings of £0.031m in staffing and supplies.
  - (c) **Community Safety** is projected to be underspent by £0.550m, an improvement of £0.300m. The Car Parking and Enforcement budget overall is expected to improve by a further £0.300m. The impact of removing the parking offer has not seen as high a reduction in income as was estimated in the MTFP during the initial few months since introduction. Income levels will continue to be monitored over the remainder of the year to track car parking patronage.

- (d) **Building Services** is expected to exceed its income target for 2023/24 by £0.100m following strong turnover levels associated with new build housing.
14. The **Operations Group** is projecting a year end underspend of £0.112m, after previously approved carry forward requests of £0.276m. This is an improvement of £0.054m on the position reported at Quarter 1. The main changes to the MTFP position are detailed below:
- (a) **Resources** is projecting a year end underspend of £0.228m an improvement of £0.110m on the Quarter 1 reported position. The main changes are ongoing savings from 2022/23 in budgeted Insurance Premiums of £0.050m and additional savings from staff turnover and running costs across all budget areas.
  - (b) **Law and Governance** is reported to be overspent by £0.077m, which is a decline in position from Quarter 1 of £0.079m. This is due to increased demand for specialist children's legal services of £0.083m as a result of additional children coming into the care of the Local Authority.
15. The **Chief Executive & Economy Group** is expected to underspend by £0.037m for 2023/24 which is mainly due to savings arising from several vacant posts in the group.
16. The School balances and allocations are shown in **Appendix 2(f)**.

### **Council Wide and Corporately Managed Resources**

17. The Council Wide and Corporately Managed Resources budgets are projected to be £0.226m overspent at year end, an improvement of £0.089m on the Quarter 1 position. This projection now includes savings shown within Children's services at Quarter 1, to give the full net impact of the pay offer and NI changes. This pressure is included within Council Wide budgets pending agreement and payment through departmental budgets.

### **Housing Revenue Account**

18. HRA projections are shown in **Appendix 3** with an overall projected balanced budget. The contribution to balances has improved by £0.323m from Quarter 1, primarily due to:
- (a) Energy savings of £0.331m following a reduction in utility prices.
  - (b) The bad debt provision has been reduced by £0.100m to reflect a reduction in outstanding debt.
  - (c) An increase in projected repairs and maintenance costs of £0.067m due to the increased pay award and the cost of materials.

### **Conclusion**

19. The Council's projected revenue reserves at the end of 2023/24 are £16.003m, a £1.119m decline on the initial 2023-27 MTFP position. This reduction in reserves includes a brought forward amount of £0.509m from 2022/23 and £1.200m of resources returned to

reserves, offset by £2.602m of projected departmental overspends and a £0.226m decrease in corporate resources.

20. The increase in Children's services demand and subsequent cost pressures are of significant concern and will be monitored closely. The rise in children presenting to council services, is despite using the Strengthening Families approach, which is one of the governments social care innovations programmes. Darlington is not alone, the pressure in children's social care is manifesting itself across the country. We are lobbying government and have provided evidence to the Local Government Association to demonstrate the issues and disproportionate strain on Darlington's finances in this one area.
21. All departments have been scrutinising their budgets, reducing spend where possible to assist the financial position and subsequently most divisions are showing an underspend or an improvement on the quarter one position.
22. We are not and cannot be complacent, whilst there are underspends in a number of areas assisting in softening the children's services pressure this year we know that high inflation, demand, interest rates, energy costs will impact on future budgets, and we are reviewing all our services looking to see what efficiencies can be made and how we can generate additional income to protect our services to the public as far as possible.

#### **Outcome of Consultation**

23. No external consultation has been carried out in preparing this report.



**REVENUE BUDGET MANAGEMENT 2023/24**

<b><u>Projected General Fund Reserve at 31st March 2024</u></b>		2023-27 MTFP (Feb 2023)
<b>Medium Term Financial Plan (MTFP) :-</b>		£000
MTFP Planned Opening Balance 01/04/2023		23,397
Approved net contribution from balances		(6,275)
<b>Planned Closing Balance 31/03/2024</b>		<b>17,122</b>
Increase in opening balance from 2022-23 results		509
Projected corporate underspends / (overspends) :-		
Council Wide		(551)
Financing Costs		0
Joint Venture - Investment Return		0
Contingencies		0
Additional Income Received		325
Services Group Rebase		700
People Group Rebase		500
<b>Projected General Fund Reserve (excluding Departmental) 31st March 2024</b>	<b>at</b>	<b>18,605</b>
<b>Planned Balance at 31st March 2024</b>		<b>17,122</b>
<b>Improvement</b>		<b>1,483</b>

<b><u>Departmental projected year-end balances</u></b>		Improvement / (decline) compared with 2023-27 MTFP £000
People Group		(3,867)
Services Group		1,116
Operations Group		112
Chief Executive		37
<b>TOTAL</b>		<b>(2,602)</b>

<b><u>Summary Comparison with :-</u></b>		2023-27 MTFP £000
Corporate Resources - increase in opening balance from 22/23 results		509
Corporate Resources - additional in-year Improvement/(Decline)		(226)
Quarter 1 Budget Rebase		1,200
Departmental - Improvement / (Decline)		(2,602)
Improvement / (Decline) compared with MTFP		<b>(1,119)</b>
<b>Projected General Fund Reserve at 31st March 2024</b>		<b>16,003</b>

**GENERAL FUND REVENUE BUDGET MANAGEMENT 2023/24**

	Budget				Expenditure		
	Original 2023/24	Approved Adjustments	Approved C/fwds	Amended Approved Budget	Projected Outturn	C/fwds to approve	Variance
	£000	£000	£000	£000	£000	£000	£000
<b>Departmental Resources</b>							
People Group	75,355	1,104	0	76,459	80,326	0	3,867
Services Group	27,134	1,222	0	28,356	27,240	0	(1,116)
Operations Group	12,992	1,171	(276)	13,887	13,775	0	(112)
Chief Executive	1,535	264	0	1,799	1,762	0	(37)
<b>Total Departmental Resources</b>	<b>117,016</b>	<b>3,761</b>	<b>(276)</b>	<b>120,501</b>	<b>123,103</b>	<b>0</b>	<b>2,602</b>
<b>Corporate Resources</b>							
Council Wide	1,359	0	0	1,359	1,910	0	551
Financing Costs	3,477	0	0	3,477	3,477	0	0
Joint Venture - Investment Return	(1,816)	0	0	(1,816)	(1,816)	0	0
Additional Income Received	0	0	0	0	(325)	0	(325)
<b>Contingencies Budget</b>							
Apprentice Levy	202	0	0	202	202	0	0
Pension Fund Triennial Valuation	(439)	0	0	(439)	(439)	0	0
Youth Employment Initiative	168	0	0	168	168	0	0
<b>Mid Year Savings</b>							
Services Group Rebase	0	700	0	700	0	0	(700)
People Group Rebase	0	500	0	500	0	0	(500)
<b>Total Corporate Resources</b>	<b>2,951</b>	<b>1,200</b>	<b>0</b>	<b>4,151</b>	<b>3,177</b>	<b>0</b>	<b>(974)</b>
<b>Net Expenditure</b>	<b>119,967</b>	<b>4,961</b>	<b>(276)</b>	<b>124,652</b>	<b>126,280</b>	<b>0</b>	<b>1,628</b>
<b>Contributions To / (From) Reserves</b>							
Planned Contribution to General Fund Reserves (MTFP)	(8,640)	0	0	(8,640)	(8,640)	0	0
Departmental Brought Forwards from 2022/23	0	(4,961)	0	(4,961)	(4,961)	0	0
Already approved Carry Forwards	0	0	276	276	276	0	0
<b>General Fund Total</b>	<b>111,327</b>	<b>0</b>	<b>0</b>	<b>111,327</b>	<b>112,955</b>	<b>0</b>	<b>1,628</b>

**Note:** Appendix 1 shows an increase in reserves of £0.509m brought forward from 2022/23

**REVENUE BUDGET MANAGEMENT UPDATE 2023/24**

	<b>Budget</b>			<b>Expenditure</b>			<b>(Under)/ Over Spend £000</b>
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
	<b><u>Council Wide</u></b>						
Corporate Running Costs	4	0	4	0	4	4	0
Cost of Living Fund	100	0	100	0	100	100	0
Pay Award	1,255	0	1,255	0	1,806	1,806	551
<b>In Year Over/(Under) Spend</b>	<b>1,359</b>	<b>0</b>	<b>1,359</b>	<b>0</b>	<b>1,910</b>	<b>1,910</b>	<b>551</b>

REVENUE BUDGET MANAGEMENT UPDATE 2023/24								
	Budget			Expenditure				(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	C/fwds to approve £000	Projected Spend £000	Total Projection £000	
<b><u>People Group</u></b>								
<b>Group Director of People</b>	712	(114)	598	282	0	327	609	11
<b><u>Adults &amp; Children Services</u></b>								
Transformation & Performance	749	134	883	302	0	526	828	(55)
Business Support	1,572	0	1,572	618	0	935	1,553	(19)
	<b>2,321</b>	<b>134</b>	<b>2,455</b>	<b>920</b>	<b>0</b>	<b>1,461</b>	<b>2,381</b>	<b>(74)</b>
<b><u>Children's Services</u></b>								
Children's Services Management & Other Services	662	0	662	257	0	429	686	24
Assessment Care Planning & LAC	4,327	28	4,355	1,987	0	2,852	4,839	484
First Response & Early Help	3,833	(6)	3,827	1,044	0	2,572	3,616	(211)
Youth Offending/ASB	339	(22)	317	203	0	114	317	0
Adoption & Placements	16,750	0	16,750	8,034	0	12,917	20,951	4,201
Disabled Children	1,230	0	1,230	173	0	1,045	1,218	(12)
Quality Assurance & Practice Improvement	138	0	138	(143)	0	281	138	0
	<b>27,279</b>	<b>0</b>	<b>27,279</b>	<b>11,555</b>	<b>0</b>	<b>20,210</b>	<b>31,765</b>	<b>4,486</b>
<b><u>Development &amp; Commissioning</u></b>								
Commissioning	2,352	178	2,530	736	0	1,693	2,429	(101)
Voluntary Sector	294	0	294	144	0	212	356	62
	<b>2,646</b>	<b>178</b>	<b>2,824</b>	<b>880</b>	<b>0</b>	<b>1,905</b>	<b>2,785</b>	<b>(39)</b>
<b><u>Education</u></b>								
Education	423	58	481	8,148	0	(7,655)	493	12
Schools	0	0	0	1,840	0	(1,840)	0	0
Transport Unit	3,091	(2)	3,089	1,028	0	2,061	3,089	0
	<b>3,514</b>	<b>56</b>	<b>3,570</b>	<b>11,016</b>	<b>0</b>	<b>(7,434)</b>	<b>3,582</b>	<b>12</b>
<b><u>Public Health</u></b>								
Public Health	0	0	0	2,785	0	(2,785)	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,785</b>	<b>0</b>	<b>(2,785)</b>	<b>0</b>	<b>0</b>
<b><u>Adult Social Care &amp; Health</u></b>								
External Purchase of Care	32,071	713	32,784	6,240	0	26,011	32,251	(533)
Intake & Enablement	677	0	677	1,170	0	(517)	653	(24)
Older People Long Term Condition	1,604	0	1,604	888	0	724	1,612	8
Physical Disability Long Term Condition	15	0	15	28	0	(13)	15	0
Learning Disability Long Term Condition	2,034	0	2,034	876	0	1,242	2,118	84
Mental Health Long Term Condition	1,218	0	1,218	386	0	815	1,201	(17)
Service Development & Integration	1,070	0	1,070	189	0	830	1,019	(51)
Workforce Development	194	137	331	(10)	0	345	335	4
	<b>38,883</b>	<b>850</b>	<b>39,733</b>	<b>9,767</b>	<b>0</b>	<b>29,437</b>	<b>39,204</b>	<b>(529)</b>
<b>In Year Over/(Under) Spend</b>	<b>75,355</b>	<b>1,104</b>	<b>76,459</b>	<b>37,205</b>	<b>0</b>	<b>43,121</b>	<b>80,326</b>	<b>3,867</b>

## REVENUE BUDGET MANAGEMENT UPDATE 2023/24

	Budget			Expenditure				(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	C/fwds to approve £000	Projected Spend £000	Total Projection £000	
<b><u>Services Group</u></b>								
<b>Group Director of Services</b>	174	0	174	71	0	103	174	0
<b><u>Capital Projects, Transport &amp; Highways</u></b>								
<b><u>Planning</u></b>								
AD Transport & Capital Projects	136	0	136	59	0	77	136	0
Building Design Services	54	0	54	16	0	38	54	0
Capital Projects	352	56	408	153	0	255	408	0
Car Parking R&M	583	0	583	567	0	(4)	563	(20)
Concessionary Fares	2774	17	2,791	(32)	0	2,322	2,290	(501)
Flood & Water Act	89	160	249	(260)	0	509	249	0
Highways	4777	(112)	4,665	522	0	4,143	4,665	0
Highways - DLO	-478	0	(478)	521	0	(999)	(478)	0
Investment & Funding	17	541	558	47	0	511	558	0
Sustainable Transport	42	133	175	(282)	0	447	165	(10)
	<b>8,346</b>	<b>795</b>	<b>9,141</b>	<b>1,311</b>	<b>0</b>	<b>7,299</b>	<b>8,610</b>	<b>(531)</b>
<b><u>Community Services</u></b>								
AD Community Services	150	0	150	60	0	70	130	(20)
Allotments	16	0	16	(1)	0	19	18	2
Building Cleaning - DLO	206	0	206	272	0	(66)	206	0
Cemeteries & Crematorium	(974)	0	(974)	(250)	0	(435)	(685)	289
Dolphin Centre	976	42	1,018	38	0	780	818	(200)
Eastbourne Complex	24	0	24	50	0	14	64	40
Emergency Planning	103	0	103	46	0	47	93	(10)
Head of Steam	291	0	291	137	0	154	291	0
Hippodrome	221	64	285	(690)	0	1,000	310	25
Indoor Bowling Centre	19	12	31	3	0	23	26	(5)
Libraries	898	10	908	377	0	550	927	19
Move More	48	0	48	(214)	0	262	48	0
Outdoor Events	567	5	572	80	0	492	572	0
Community Catering	78	0	78	26	0	42	68	(10)
Culture and Heritage Fund	119	6	125	37	0	88	125	0
Street Scene	6,048	100	6,148	1,268	0	4,880	6,148	0
Transport Unit - Fleet Management	155	50	205	214	0	(9)	205	0
Waste Management	3,606	75	3,681	1,294	0	2,367	3,661	(20)
Winter Maintenance	583	32	615	378	0	237	615	0
	<b>13,134</b>	<b>396</b>	<b>13,530</b>	<b>3,125</b>	<b>0</b>	<b>10,515</b>	<b>13,640</b>	<b>110</b>

## REVENUE BUDGET MANAGEMENT UPDATE 2023/24

	Budget			Expenditure				(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	C/fwds to approve £000	Projected Spend £000	Total Projection £000	
<b><u>Services Group</u></b>								
<b><u>Community Safety</u></b>								
CCTV	264	0	264	(102)	0	365	264	0
Community Safety	732	93	825	21	0	804	825	0
General Licensing	7	0	7	(27)	0	34	7	0
Parking	(1,672)	33	(1,639)	(596)	0	(1,593)	(2,189)	(550)
Parking Enforcement	13	(33)	(20)	(50)	0	30	(20)	0
Private Sector Housing	107	25	132	(83)	0	215	132	0
Stray Dogs	50	0	50	19	0	31	50	0
Taxi Licensing	41	17	58	(25)	0	84	58	0
Trading Standards	258	0	258	46	0	212	258	0
	<b>(200)</b>	<b>135</b>	<b>(65)</b>	<b>(797)</b>	<b>0</b>	<b>182</b>	<b>(615)</b>	<b>(550)</b>
<b><u>Building Services</u></b>								
Construction - DLO	(340)	32	(308)	(2,685)	0	2,277	(408)	(100)
Other - DLO	16	(15)	1	2,699	0	(2,698)	1	0
	<b>(324)</b>	<b>17</b>	<b>(307)</b>	<b>14</b>	<b>0</b>	<b>(421)</b>	<b>(407)</b>	<b>(100)</b>
<b><u>Corporate Landlord</u></b>								
Corporate Landlord	5,765	(121)	5,644	540	0	<b>5,104</b>	5,644	0
<b><u>General Support Services</u></b>								
Works Property & Other	114	0	114	73	0	1	74	(40)
<b><u>Joint Levies &amp; Boards</u></b>								
Environment Agency Levy	125	0	125	120	0	0	120	(5)
<b>In Year Over/(Under) Spend</b>	<b>27,134</b>	<b>1,222</b>	<b>28,356</b>	<b>4,457</b>	<b>0</b>	<b>22,783</b>	<b>27,240</b>	<b>(1,116)</b>

## REVENUE BUDGET MANAGEMENT UPDATE 2023/24

	<i>Budget</i>				<i>Expenditure</i>				<i>(Under)/ Over Spend £000</i>
	<i>Original Budget £000</i>	<i>Approved Adjustments £000</i>	<i>Approved C/fwds £000</i>	<i>Amended Approved Budget £000</i>	<i>Expenditure to August £000</i>	<i>C/fwds to approve £000</i>	<i>Projected Spend £000</i>	<i>Total Projection £000</i>	
<b><u>Operations Group</u></b>									
<b>Group Director of Operations</b>	130	0	0	130	94	0	35	129	(1)
<b><u>Resources</u></b>									
AD Resources	115	0	0	115	48	0	72	120	5
Financial Services	1,526	123	0	1,649	861	0	575	1,436	(213)
Financial Assessments & Protection	279	35	(35)	279	133	0	146	279	0
Xentrall (D&S Partnership)	1,830	0	0	1,830	726	0	1,177	1,903	73
Human Resources	686	210	0	896	196	0	611	807	(89)
Health & Safety	193	0	0	193	81	0	108	189	(4)
	<b>4,629</b>	<b>368</b>	<b>(35)</b>	<b>4,962</b>	<b>2,045</b>	<b>0</b>	<b>2,689</b>	<b>4,734</b>	<b>(228)</b>
<b><u>Head of Strategy Performance &amp; Communications</u></b>									
Communications & Engagement	987	211	(44)	1,154	356	0	796	1,152	(2)
Systems	1,007	352	(197)	1,162	939	0	220	1,159	(3)
	<b>1,994</b>	<b>563</b>	<b>(241)</b>	<b>2,316</b>	<b>1,295</b>	<b>0</b>	<b>1,016</b>	<b>2,311</b>	<b>(5)</b>
<b><u>Law &amp; Governance</u></b>									
AD Law & Governance	131	0	0	131	56	0	82	138	7
Complaints & FOI	297	0	0	297	117	0	244	361	64
Democratic Services	1,316	0	0	1,316	471	0	826	1,297	(19)
Registrars	(23)	0	0	(23)	(81)	0	58	(23)	0
Administration	595	0	0	595	273	0	217	490	(105)
Legal Services	1,669	0	0	1,669	1,104	0	648	1,752	83
Procurement	183	0	0	183	81	0	122	203	20
Coroners	278	0	0	278	(1)	0	306	305	27
	<b>4,446</b>	<b>0</b>	<b>0</b>	<b>4,446</b>	<b>2,020</b>	<b>0</b>	<b>2,503</b>	<b>4,523</b>	<b>77</b>
<b><u>Xentrall Shared Services</u></b>									
ICT	810	266	0	1,076	11	0	1,065	1,076	0
	<b>810</b>	<b>266</b>	<b>0</b>	<b>1,076</b>	<b>11</b>	<b>0</b>	<b>1,065</b>	<b>1,076</b>	<b>0</b>
<b><u>Building Services</u></b>									
Maintenance - DLO	(620)	(26)	0	(646)	3,327	0	(3,973)	(646)	0
	<b>(620)</b>	<b>(26)</b>	<b>0</b>	<b>(646)</b>	<b>3,327</b>	<b>0</b>	<b>(3,973)</b>	<b>(646)</b>	<b>0</b>
<b><u>Housing &amp; Revenues</u></b>									
Local Taxation	488	(20)	0	468	327	0	115	442	(26)
Rent Rebates / Rent Allowances / Council Tax	(132)	0	0	(132)	6,092	0	(6,224)	(132)	0
Housing Benefits Administration	413	20	0	433	352	0	85	437	4
Customer Services	329	0	0	329	182	0	214	396	67
Homelessness	349	0	0	349	(774)	0	1,123	349	0
Service, Strategy & Regulation and General	156	0	0	156	(1,932)	0	2,088	156	0
	<b>1,603</b>	<b>0</b>	<b>0</b>	<b>1,603</b>	<b>4,247</b>	<b>0</b>	<b>(2,599)</b>	<b>1,648</b>	<b>45</b>
<b>In Year Over/(Under) Spend</b>	<b>12,992</b>	<b>1,171</b>	<b>(276)</b>	<b>13,887</b>	<b>13,039</b>	<b>0</b>	<b>736</b>	<b>13,775</b>	<b>(112)</b>

## REVENUE BUDGET MANAGEMENT UPDATE 2023/24

	<i>Budget</i>			<i>Expenditure</i>				(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	C/fwds to approve £000	Projected Spend £000	Total Projection £000	
<b><u>Chief Executive &amp; Economy</u></b>								
<b><u>Chief Executive</u></b>								
Chief Executive	209	0	209	85		127	212	3
Darlington Partnership	74	0	74	(7)		81	74	0
	<b>283</b>	<b>0</b>	<b>283</b>	<b>78</b>	<b>0</b>	<b>208</b>	<b>286</b>	<b>3</b>
<b><u>AD Economic Growth</u></b>								
AD - Economic Growth	149	0	149	63		86	149	0
Building Control	168	0	168	72		96	168	0
Consolidated Budgets	146	119	265	0		265	265	0
Development Management	23	0	23	96		(73)	23	0
Economy	269	41	310	(279)		589	310	0
Environmental Health	334	18	352	(46)		398	352	0
Place Strategy	645	20	665	(212)		837	625	(40)
Property Management & Estates	(482)	66	(416)	(663)		247	(416)	0
	<b>1,252</b>	<b>264</b>	<b>1,516</b>	<b>(969)</b>	<b>0</b>	<b>2,445</b>	<b>1,476</b>	<b>(40)</b>
<b>In Year Over/(Under) Spend</b>	<b>1,535</b>	<b>264</b>	<b>1,799</b>	<b>(891)</b>	<b>0</b>	<b>2,653</b>	<b>1,762</b>	<b>(37)</b>



**BUDGET MANAGEMENT 2023/24**

<b>SCHOOLS PROJECTED BALANCES 2023/24</b>					
School Name	Opening Balance at 1st April 2023	Formula Budget Allocation*	Total Available	Closing Balance at 31st March 2024	Projected Closing Balance as proportion of Formula Budget Allocation
	£000	£000	£000	£000	%
<b>Primary</b>					
Federation of Darlington Nursery Schools	(12)	942	930	(80)	(8%)
Rise Carr College, Clifton House & Eldon House	305	1,846	2,151	302	16%
Red Hall Primary	221	1,434	1,655	122	9%
Whinfield Primary	416	2,332	2,748	347	15%
Harrowgate Hill Primary	146	2,717	2,863	19	1%
<b>Primary Total</b>	<b>1,076</b>	<b>9,271</b>	<b>10,347</b>	<b>710</b>	

\*Federation of Darlington Nursery Schools/Rise Carr College original budget. Actual allocation based on attendance.

**HOUSING REVENUE ACCOUNT 2023/24**

	<b>Budget</b>			Total	(Under)/ Over
	Original	Approved	Amended		
	Budget £000	Adjustments £000	Budget £000	Projection £000	Spend £000
<b><u>Housing Revenue Account</u></b>					
<b><u>Income</u></b>					
Rents Of Dwellings (Gross)	(21,964)	0	(21,964)	(21,836)	128
Sundry Rents (Including Garages & Shops)	(422)	0	(422)	(424)	(2)
Charges For Services & Facilities	(3,654)	0	(3,654)	(3,770)	(116)
Contribution towards expenditure	(928)	(121)	(1,049)	(1,021)	28
Interest Receivable	(6)	0	(6)	(6)	0
<b>Total Income</b>	<b>(26,974)</b>	<b>(121)</b>	<b>(27,095)</b>	<b>(27,057)</b>	<b>38</b>
<b><u>Expenditure</u></b>					
Operational	4,441	121	4,562	4,279	(283)
Service Charges	3,654	0	3,654	3,731	77
Maintenance	5,539	0	5,539	5,606	67
Capital Financing Costs	3,447	0	3,447	3,447	0
Revenue Contribution to Capital Outlay	12,609	0	12,609	12,609	0
Increase in Bad Debt Provision	250	0	250	150	(100)
In year contribution to/(from) balances	(2,966)	0	(2,966)	(2,765)	201
<b>Total Expenditure</b>	<b>26,974</b>	<b>121</b>	<b>27,095</b>	<b>27,057</b>	<b>(38)</b>
<b>(Surplus)/Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>HRA Balances</b>	<b>£000</b>
Opening balance 01/04/2023	23,467
Contribution to/(from) balances	(2,765)
<b>Closing balance</b>	<b>20,702</b>

**CABINET  
7 NOVEMBER 2023**

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**PROJECT POSITION STATEMENT & CAPITAL PROGRAMME MONITORING  
QUARTER 2 2023/24**

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**Responsible Cabinet Member -  
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -  
Dave Winstanley, Group Director of Services  
Elizabeth Davison, Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report provides:
  - (a) A summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme.
  - (b) An update on the current status of all construction projects currently being undertaken by the Council.
2. It also seeks approval for a number of changes to the programme.

**Summary**

3. The projected outturn of the current Capital Programme is £315.846m against an approved programme of £316.805m. The investment is delivering a wide range of improvements to the Council's assets and more critically, to Council services. Refurbishment of council homes, improved learning environments in schools, better traffic flows and opportunities for sustainable travel have been achieved and are detailed within the report. The programme, including commitments, remains affordable within the Medium Term Financial Plan (MTFP) for 2023/24 – 2026/27.
4. The Council has a substantial annual construction programme of work. The current project position statement (PPS) shows there are 43 live projects currently being managed by the Council with an overall projected outturn value of £167.583m. The majority of projects are running to time, cost and quality expectations but are being monitored given the current pressures on resources in the construction sector nationally.
5. The projects are managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

## Recommendations

6. It is recommended that Cabinet:
- (a) Note the attached status position on construction projects.
  - (b) Note projected capital expenditure and resources.
  - (c) Approve the adjustments to resources as detailed in paragraph 24.

## Reasons

7. The recommendations are supported by the following reasons:
- (a) To inform Cabinet of the current status of construction projects.
  - (b) To make Cabinet aware of the latest financial position of the Council.
  - (c) To maintain effective management of resources.

**Dave Winstanley**  
**Group Director of Services**

**Elizabeth Davison**  
**Group Director of Operations**

## Background Papers

- (i) Capital Medium Term Financial Plan 2023/24 – 2026/27
- (ii) Project Position Statement and Capital Monitoring Outturn 2022/23

Brian Robson : Extension 6608  
Steve Wake : Extension 5424

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There are no issues relating to health and wellbeing which this report needs to address.
Carbon Impact and Climate Change	There are no carbon impact implications in this report
Diversity	There are no specific implications for diversity
Wards Affected	All wards are affected.
Groups Affected	The proposals do not affect any particular groups within the community
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	The report does not represent a key decision
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
Council Plan	The Capital Programme referred to in the report supports delivery of the Council plan.
Efficiency	The recommendations support the effective and efficient use of resources.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

#### 2023/24 Capital Spend and Resources

8. **Appendix 1** is for information and lists all live construction projects and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues.
9. **Appendix 2** summarises the Council's capital commitments which are yet to be financed and also shows how it is intended for them to be financed. The total value of commitments, including available resources brought forward from previous years and 2023/24 schemes previously released by Cabinet, is £169.499m.
10. **Appendix 3** shows the Council's projected capital receipts and how they are going to be utilised to help finance the capital programme over the life of the MTFP.
11. **Appendix 4** is the final outturn report for the Education SEND Capital Schemes at Red Hall Primary School and Rise Carr College.

#### Project Position Statement

12. Project management procedures require the production by project managers of a Project Position Statement (PPS) for all projects over £75,000. This report brings together the pertinent data from the current PPS with financial information from the Financial Management System (FMS) and approvals by Cabinet.
13. The Project Position Statement (Appendix 1) details the current live construction projects, up to the end of August 2023, by delivery area, and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues. The statement excludes any completed projects or those on hold.
14. The overview of live construction projects is as follows:

	Projects	Current Approved Budget £ / p	Projected Outturn £ / p	Variance %	Variance (Value) £ / p
Chief Executive & Economic Growth	10	27,874,947	27,539,947	(1.2)	(335,000)
Operations	16	57,098,203	56,610,347	(0.9)	(487,856)
People	3	5,278,616	5,066,039	(4.0)	(212,577)
Services	14	78,059,233	78,366,211	0.4	306,978
<b>TOTAL</b>	<b>43</b>	<b>168,310,999</b>	<b>167,582,544</b>		<b>(728,455)</b>

15. The table shown above includes a column for current approved budget. In certain cases this budget figure may be different from the original approved budget. This could be as a result of variances identified during construction or other variables not known at the initiation stage. The original budget and all subsequent changes have been reported to and approved by Cabinet.

16. The live projects are at the following stages:

Department	Brief	CP1	CP2	CP3	CP4	CP5	Total
Chief Executive & Economic Growth	0	4	0	2	3	1	10
Operations	0	6	1	7	2	0	16
People	0	0	0	0	1	2	3
Services	0	2	2	6	1	3	14
<b>TOTAL</b>	<b>0</b>	<b>12</b>	<b>3</b>	<b>15</b>	<b>7</b>	<b>6</b>	<b>43</b>

**Control Point 1 (CP1) – Start Up:** is used to define the position of a project at its conception stage.

- (a) **Control Point 2 (CP2) – Initiate:** defines a project at feasibility stage and will likely include a desktop assessment of a project and the use of informed estimates.
- (b) **Control Point 3 (CP3) – Define:** the point that the project is progressed to RIBA Stage F, i.e. detailed design.
- (c) **Control Point 4 (CP4) – Construction Phase:** is the stage at which work begins on the project, i.e. for a construction project on site through to build completion.
- (d) **Control Point 5 (CP5) – Evaluate:** is the stage post completion of the project at which time the project is reviewed and lessons learned are discussed in order that they can be taken to the next or similar projects.

17. The status on live projects is as follows:

Department	Red	Blue	Green
Chief Executive & Economic Growth	2	6	2
Operations	1	14	1
People	0	1	2
Services	1	13	0
<b>TOTAL</b>	<b>4</b>	<b>34</b>	<b>5</b>

- (a) Colours (Green better, Red worse, than) are used to identify projects that have variances which are:

- (i) More than £5,000, if the variance is also more than 5% of the approved budget for the project, or
- (ii) More than £50,000 regardless of the percentage variance
- (b) Projects that are within these margins are symbolised with the colour Blue.
- (c) In addition to cost, the same colours are used to indicate similar levels of variances in time and quality/outputs/outcomes.

18. Current projects with the Red colour are as follows:

<b>Project</b>	<b>Reason for Variance</b>	<b>Action</b>
Skinnergate Re-development Housing	A delay was encountered following the production of a revised design to satisfy concerns raised by English Heritage at the planning application stage. It has also been impacted by the Nutrient Neutrality issue which will have an impact on the start on site date.	The design team are working on the Stage 4 design. An application to seek the purchase of 'credits' will be made to Natural England in the next application phase closing on 27th October
Ingenium Parc Masterplan + Infrastructure	Delays have been encountered due to ground conditions. Phase II works are underway.	The contractor is on site and has completed drainage works. Final fencing and landscaping work is underway and will be complete in November 2023.
Demolition of 12-18 King Street	The expected outturn cost currently sits above the initial budget.	Forecast outturn cost to be market tested.
Crown Library Refurbishment	Delays and additional costs have been encountered from the withdrawal of the originally appointed roofing contractor.	No further issues have been experienced and scheme is expected to complete in September 2023.

19. In line with the Council's Financial Procedure rules any scheme with an outturn value of in excess of a £1m has to be reported to Cabinet. In accordance with the agreed procedure the Education SEND Capital Schemes at Red Hall Primary School and Rise Carr College have been reviewed (CP5) and the results and final outturn are shown in Appendix 4.

20. If approved this scheme will be removed from the live PPS listing in Appendix 1.

## Reconciliation of Project Position Statement to Capital Programme

21. The table shown below reconciles the differences between the Capital Programme (CP) and the Project Position Statement (PPS). Differences occur because the Project Position Statement includes all construction projects over £75,000 in value funded from Capital and Revenue sources. Spending within the Capital Programme is not always of a construction nature, can be of any value and excludes Revenue funded schemes.

	Value £m
<b>Live Projects from Project Position</b>	167.583
Schemes closed or on hold within CP but awaiting PPS post project review.	22.221
Annualised Schemes excluded from PPS - Housing Repairs & Maintenance	9.890
Annualised Schemes excluded from PPS - Highways Maintenance	10.123
Annualised Schemes excluded from PPS - Childrens Services School Maintenance	0.230
Non construction excluded from PPS	16.094
Capital Investment fund excluded from PPS	34.640
Projects under 75k excluded from PPS	2.323
Capital Schemes not yet integrated into PPS reporting	31.730
Included in PPS & CMR	0.000
Funding not yet allocated	21.012
<b>Capital Programme</b>	<b>315.846</b>

22. The table below shows the split of the approved capital programme of £316.805m, between the different service areas and also the various categories of spend. When compared to the table above it shows that there is a projected £0.959m underspend on the approved capital programme. However, it should be noted that this underspend relates to funding that is coming from grants and housing borrowing and therefore not an additional resource.

Area	Construction				Non construction	Capital investment fund	Housing New Build not yet allocated	Total
	Live Schemes 75k & Over	Annualised Schemes	Completed Schemes awaiting review	Live Schemes under 75k				
	£m	£m	£m	£m	£m	£m	£m	£m
Housing	60.099	10.021	0.627	0.033	1.205	0.000	15.673	87.658
Economic Growth	41.593	0.080	3.388	0.337	10.817	33.481	3.476	93.172
Highways/Transport	63.152	10.011	14.949	1.380	1.645	1.877	1.512	94.526
Leisure & Culture	29.883	0.000	2.618	0.176	0.000	0.000	0.000	32.677
Education	5.279	0.230	0.007	0.361	0.079	0.000	0.290	6.246
Adult Social Care	0.000	0.000	0.000	0.000	0.071	0.000	0.000	0.071
Other	0.000	0.000	0.000	0.000	2.455	0.000	0.000	2.455
<b>Total</b>	<b>200.006</b>	<b>20.342</b>	<b>21.589</b>	<b>2.287</b>	<b>16.272</b>	<b>35.358</b>	<b>20.951</b>	<b>316.805</b>

## Capital Programme

23. Paragraph 24 shows the movements in the Capital Programme since the approval of the 2023/24 Capital MTFP, some of which have not yet been approved by Members.



24. Adjustment to resources requested by departments:

**Adjustments needing approval release**

<b>Department</b>	<b>Scheme</b>	<b>Value £</b>	<b>Reason for adjustment</b>	<b>Resource type adjusted</b>
Services	Firthmoor MUGA Works	£20,000	S106 - George Wimpey Geneva Lane - Firthmoor MUGA	Release
Services	Open Space Teesdale Way Footpath	£12,223	S106 - Homes Finance Robertson Homes - Field at Low Coniscliffe	Release
Services	West Park Travel Planning	£38,851	S106 - West Park JV LTD - Travel Programme Contribution	Release
Services	West Park Travel Planning	£56,962	S106 - Bussey & Armstrong - Travel programme	Release
Services	Capitalised Repairs	£250,000	Council Capital (MTFP) for repair of corporate assets.	Release
<b>TOTAL</b>		<b>£378,036</b>		

**Outcome of Consultation**

25. There has been no consultation in the preparation of this report.

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Project	CP1 Start Up	CP2 Initiate	CP3 Design	CP4 Delivery	CP5 Review	Status	Status	Client Dept	Delivery Dept	Internal Project Sponsor	Internal Project Manager	Cost Centre	Feasibility Budget	Original Approved Budget	Increase To Initial Approved Budget	Current Approved Budget	Project Expected Out Turn Cost	Variance (%)	Variance (value)	Original Planned Project Completion Date	Revised Approved Project Completion Date	Anticipated Project Completion Date	Schedule Variation (Days)	CDM Notifiable Project	Principal Designer	Previous Plan Progress	Plan Progress	Budget Progress Report	Issue Status Report
Yards Phase 2						Live	Live	CE & Economic Growth	Economic Growth	Mark Ladyman	Mike Bowron	R0180		£800,000	£0	£800,000	£450,000	-44%	£-350,000	31-Mar-23	29-Mar-24	29-Mar-24	0	Y	Lee Darvill	The current budget has been profiled to maximise the spend. Further properties and locations are being identified which will be prioritised through the Steering Group to maximise impact.	Working with the Client, additional properties have been identified to be done. A full financial assessment is being carried out to identify funding requirements and available resources.		Additional properties and works have been identified and will need to be assessed against the available budget which is currently maximised.
Whinfield School Roof Replacement						Live	Live	People	People	Tony Murphy	Julia McCabe	E1907		£1,124,000	£0	£1,124,000	£1,124,000	%	£0	28/11/2023	08/02/2024	08/02/2024	0	31	Lee Darvill	The discovery of deficiencies with the existing roof frame has led to an eight week delay whilst structural calculations, sourcing and re-pricing of new materials was carried out.	70 days of lost time (65 days + 5 days inlement weather). Delay due to: Structural calculations,Repricing & procurement, Revising completed areas to install strapping (structural solution) Phase 8 works (critical shared spaces for the school & unable to be decanted: kitchen/hall/dining hall) was started and completed during the school holiday as required.		Further phases and required classroom decant agreed with the school. Some areas of water damage following summer rain storms. Damage to be recorded and repaired alongside areas of historic water damage - addressed at end of each roof replacement phase.
Skinnergate Re-development Housing						Live	Live	Operations	Operations	Anthony Sandys	Brian Robson	H6748		£4,950,000	£0	£4,950,000	£4,950,000	%	£0	31-Mar-22	31-Oct-23	31-Oct-23	0	Y	Andrew Bumfrey	The scheme has been caught in the Nutrient Neutrality (NN) issue which will have an impact on start on site date. JBA consulting have been appointed to work through the NN calculator process and indications are some mitigation work will be required. Once the NN work is complete discussions will be held with Natural England. Due to the NN issue it is unlikely that the foundations can be cast prior to the current Building Regulations deadline of June 2023.	A temporary works design to support the method statement for the partial demolition works required to No.12 is currently being prepared and will aid the Party Wall process and will be finalised for 22nd September. An updated pre-tender estimate for the scheme is due shortly. We have recently been notified that following a recent court case unfortunately the scheme will now be back in scope for Nutrient Neutrality		Initial surveys undertaken, which reveal major loss of structure to heritage building and adjacent property. 2. Historic England opposition to designs are now addressed but significant delays have ensued.
Railway Heritage Quarter						Live	Live	Services	Services	Ian Thompson	Brian Robson	R0155	£210,000	£20,000,000	£15,140,000	£35,140,000	£35,140,000	%	£0	30-Sep-24		30-Sep-24	0	Y	Space Architects	The new Engineering shed on Bonomi Way is now complete and the A1 Trust are in the process of moving in to it. Works on the 1861 shed, Goods Shed and Head of Steam are ongoing. The works to the Carriageworks are due to commence on 5th June.	Works on the 1861 shed, Goods Shed and Head of Steam are ongoing. Some delays have been encountered due to asbestos removal works.The new entrance works from McNay Street are progressing well.		Issues with land acquisition with Network Rail is now resolved
Neasham Rd Housing						Live	Live	Operations	Operations	Anthony Sandys	Richard Storey	H6745		£31,069,000	£1,008,203	£32,077,203	£31,589,347	-2%	£-487,856	02-May-25		02-May-25	0	Y	Lee Darvill	Foundations complete across site.	scheme progressing well across site. DPC level for all houses. November for handover of first 20 properties.		
Innovation Central						Live	Live	CE & Economic Growth	Economic Growth	Anthony Hewitt	Joanne Wood	R0157	£500,000	£50,000	£8,287,854	£8,337,854	£8,337,854	%	£0	31-Dec-21	31-Aug-22	31-Aug-22	0	Y	Napper Architects	The project is now in a 12 month defect period until end of August 2023. The Operator has 5 business occupiers, 4 within office spaces and 1 within a lab space. The telephone mast is still to be constructed and installed on the building. The delay has been caused through the telephone provider not undertaking the correct fibre survey. This is hopefully due to take place to enable the build team to construct and install.	The final project review meeting has taken place with DBC, NE BIC and Willmott Dixon. A latent defect list has been produced. The installation of the telephone mast is due to take place w/c 11th September. This is due to take 5 working days. 3 months commissioning will be required prior to the existing mast on Central Park to be removed.		
Ingenium Parc Masterplan + Infrastructure						Live	Live	CE & Economic Growth	Economic Growth	Anthony Hewitt	Joanne Wood	R0144		£611,500	£4,265,593	£4,877,093	£4,877,093	%	£0	31-Aug-18	23-Dec-22	31-Aug-23	0	Y	Noel Walecki	Official handover of the drainage infrastructure works was undertaken on 21st July 2023. Some defects were identified following review of the CCTV survey and these have been provided to the contractor to rectify within 3 weeks.	Additional Landscaping works will be taking place from August 2023 with additional tree/shrub planting from November 2023.		The recent storms have caused problematic ground conditions although work has continued additional costs have been realised. Due to the weather conditions it is possible that phase 2 works will go beyond the programme.
Eastbourne Sports Pitches & Drainage						Live	Live	Services	Services		Rebecca Robson	L0154		£1,610,000	£941,843	£2,551,843	£2,551,843	%	£0	31/03/2023	31/07/2023	30/09/2023	61	Y	SPACE	Construction Phases Key dates; Track floodlights renewal - COMPLETE. Track resurfacing works 13/05/23 - 26/05/23. 3G pitch 06/04/23 - 07/07/23. All other remaining construction works 06/04/23 - 28/07/23.	Construction Phases Key dates; Track floodlights renewal - COMPLETE. Track resurfacing works - COMPLETE. 3G pitch COMPLETE. Changing room installation 11/09/23 - 15/09/23. Drainage works to the Zone 8 and changing units - 29/09/23. Site electrical upgrade works (NPG) 25/09/23 - 29/09/23.		61 days delay in total due to the following 1. Late issue of construction drawings and drainage / tank detail for the zone 8 building, drainage detail only issued on 14/07/23, but there is a 6-week lead in time on the tank. 2. New electrical supply, PO and forms submitted late April but they are not able to undertake the works until 25th September. Pre Fab changing unit - due to only one company responding and the quality of their tender return, we have had to approach another supplier which in turn has caused a delay.
Demolition Sports Direct Building						Live	Live	CE & Economic Growth	CE & Economic Growth	Guy Metcalfe	Brian Robson	R0177		£300,000	£0	£300,000	£220,000	-27%	£-80,000	30-Jun-22	30-Jun-22	30-Jun-22	0	Y	A & N Consultants	Demolition works now complete, perimeter fencing to be installed	Demolition works now complete, perimeter fencing to be installed		Contractor will be working to DBC Building Services
Demolition of 12-18 King Street						Live	Live	CE & Economic Growth	CE & Economic Growth	Guy Metcalfe	Rebecca Robson	R0163		£220,000	£0	£220,000	£315,000	43%	£95,000				0	Y	A & N Consultants	Structural investigations and party wall works still ongoing, due to more intrusive surveys being needed within our building and the adjoining occupied property. Surveys anticipated completion is Mid-September with the structural scope of works and drawings to follow 4 weeks after.CP1 needs signing and returning to Capital Projects Team.	Structural investigations and party wall works still ongoing, due to more intrusive surveys being needed within our building and the adjoining occupied property. Surveys anticipated completion is Mid-September with the structural scope of works and drawings to follow 4 weeks after.CP1 needs signing and returning to Capital Projects Team.		Demolition cannot proceed until a Bat License has been issued and the party wall agreement has been drawn up, current programme to start the works in late 2023.
Darlington Station Enabling Works						Live	Live	Services	Services	Anthony Hewitt	Ben Waldie	R0181		£2,015,190	£295,807	£2,310,997	£2,310,997	%	£0	28/04/2023		28/04/2023	0	Y	Graeme Smith Fairhursts	March 23 -DBC Highways works completed now, LNER contractors awaiting ducting completion date station side before works can be complete. Awaiting LNER electrical meter installation date. TVCA require car park operational by 20/04/23 to avoid delays to East Gateway- risk of delay medium.	Project completed. Lease agreed & car park accepted for use by LNER 26/4/23.		Apr 23- Project completed. ESS to gain access via LNER permit to work system to remove existing electrical cabinet. Date to be agreed.





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### 2023/24 Capital Resources Summary

Row Ref.		Approved Commitments £M	Virement of Resources £M	Variance £M	Total £M
1	<b>Capital Commitments</b>				
2	Brought forward from 2022/23	131.645			
3	2023/24 Capital Programme (released by Cabinet)	37.854			<b>169.499</b>
4	Projected (Under)/Over Spend				
5	<b>Total Commitments</b>	<b>169.499</b>	<b>0.000</b>	<b>0.000</b>	<b>169.499</b>
	<b>To Be Funded By:</b>				
	<b>External and Departmental Resources</b>				
6	External Funding and Departmental Supported Borrowing	0.997	-	-	<b>0.997</b>
7	Departmental Unsupported Borrowing	0.000	-	-	<b>0.000</b>
8	Capital Grants	69.441	-	-	<b>69.441</b>
9	Capital Contributions	0.050	-	-	<b>0.050</b>
10	Revenue Contributions	41.152	-	-	<b>41.152</b>
11	Capital Receipts - HRA	0.000	-	-	<b>0.000</b>
	<b>Total</b>	<b>111.640</b>	<b>0.000</b>	<b>0.000</b>	<b>111.640</b>
	<b>Corporate Resources</b>				
12	Capital Receipts (General Fund)/ Prudential Borrowing	57.859	-	-	<b>57.859</b>
	<b>Total</b>	<b>57.859</b>	<b>0.000</b>	<b>0.000</b>	<b>57.859</b>
13	<b>Total Resources</b>	<b>169.499</b>	<b>0.000</b>	<b>0.000</b>	<b>169.499</b>

### Corporate Resources Analysis

	£M	
14	Required Resources to fund 2023/24 expenditure (see above)	57.859
15	<b>Total Planned Use of Corporate Resources</b>	57.859
16	Less: Total Projected net Capital Receipts 23/24 (as per Appendix 3)	(11.483)
17	Add: projects already released and included in the capital commitments above	7.920
18	<b>Corporate Resources required to fund capital programme</b>	<b>54.296</b>

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**Capital Receipts Utilisation - Latest projection**

	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Projected Opening Balance as at 1 April	2.454	11.083	13.778
Projected net Capital Receipts	9.029	3.095	0.000
Total projected Capital Receipts	11.483	14.178	13.778
<b><u>Less (as per approved capital programme)</u></b>			
Capitalisation utilisation as per MTFP	0.000	0.000	0.000
Council funded schemes	(0.400)	(0.400)	(0.400)
Economic Growth Investment Fund	0.000	0.000	0.000
Slippage from previous years	0.000	0.000	0.000
Projected available Capital Receipts as at 31 March	11.083	13.778	13.378

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**FINAL OUTTURN REPORT FOR THE EDUCATION SEND CAPITAL**

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**Responsible Cabinet Member – Councillor Mandy Porter**

**Responsible Director – Dave Winstanley**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To report the final outturn in accordance with the Financial Procedure Rules.

**Summary**

2. The SEND Strategy that was approved by Cabinet in March identified a need to commission local provision to meet the need and manage demand. This included a primary and secondary SEMH base. Following a tendering exercise Red Hall Primary School came out as the successful bidder for the primary base and Rise Carr College for the secondary base.
3. The Red Hall project was made up of two classrooms with a central communal area and three 'break-out' rooms. The additional space was an extension to the existing school building with a separate entrance for pupils but with direct access to the main school for staff. An internal refurbishment of the existing staff toilets to meet current staffing number along with the resurfacing and expansion of the existing carpark to cater for the additional demand also formed part of the works.
4. The Rise Carr project saw a standalone building constructed on their site, made up of two classrooms, a communal area and four 'break-out' rooms. There is a separate dedicated access for pupils and access between both buildings via a covered walkway. The scheme also included for a small remodel to relocate main reception within the administration offices to remove a lone working issue, and a knock through to create a larger class base at the rear of the school. High priority condition related items were also addressed which saw a large proportion of the roofs being repaired or replaced along with all the windows on the front elevation.
5. Para 43 of the Financial Procedure Rules requires that the final outturn of all schemes with a value in excess of £1 million be reported to Cabinet.

6. The report reviews the actual cost, timeliness, and quality; to ensure a continuous review of capital planning, management, and reporting, with regard to best practice, experience, and opportunities for improving the Council's capital and asset management processes.

### **Recommendation**

7. It is recommended that:-
  - (a) Members note the final outturn of the Project.

### **Reasons**

8. The recommendations are supported by the following reasons:-
  - (a) To comply with the Council's Financial Procedure Rules.
  - (b) To ensure a continuous review of capital planning, management and reporting, with regard to best practice, experience and opportunities for improving the Council's capital and asset management processes.

**Brian Robson – Head of Capital Projects**

### **Background Papers**

*None*

S17 Crime and Disorder	There is no impact on crime and disorder as a result of this report.
Health and Well Being	No direct impacts.
Carbon Impact and Climate Change	
Diversity	No direct impacts.
Wards Affected	This project is in the North Road Ward
Groups Affected	
Budget and Policy Framework	No direct impacts.
Key Decision	This is not a Key Decision.
Urgent Decision	This is not an Urgent Decision
Council Plan	There is no impact on the Council Plan as a result of this report.
Efficiency	
Impact on Looked After Children and Care Leavers	

## MAIN REPORT

### Information and Analysis

9. The project was managed internally by the Education Projects Officer from inception through to completion, with valued support from the Capital Projects team, Design Services, Aecom and Building Services.
10. The Initial overall budget for the schemes was a combined £3,099,209.00, this was increased via Cabinet approval in June 2020 to £4,154,566.00 to include a Covid risk fund for each project and the inclusion of condition related items to the scope of works at Rise Carr. Both Projects were initially due to hand over in September 2020 however due to the coronavirus outbreak and lockdowns both services opened to pupils in September 2021, Red Hall’s external area followed in November 2021 and Rise Carr in April 2022 due to seasonal landscaping. The main contracts for these schemes were internal with Building Design and Building Services via a JCT contract, and Aecom for design services and contract administrator on Rise Carr via our internal partnership framework SCAPE.
11. Para 43 of the Financial Procedure Rules requires that the final outturn of all schemes with a value in excess of £1 million be reported to Cabinet.
12. The report reviews the actual cost, timeliness, and quality to ensure a continuous review of capital planning, management, and reporting, with regard to best practice, experience, and opportunities for improving the Council’s capital and asset management processes.

### Cost

13. The tables below summarise the project budgets and final outturn on each project.

#### RED HALL

Initial Approved Budget	Increase to Initial Approved Budget	Current Approved Project Budget	Project Expected Out Turn Cost	Variance (%)	Variance (Value)
£1,572,289	£65,709	£1,637,998	£1,453,319	-11.3%	-£184,679

14. The increase in budget for Red Hall SEN Unit was to cover the potential increase to timescales due to Covid-19 social distancing rules. The project closed with £184,769 remaining due to the Covid risk fund and overall project contingency percentages not being needed. Changes were also made while on site that generated savings and there

were remaining funds left in the Clients Furniture, Fixtures and Equipment (FF&E) and Information and Communications Technology (ICT) budgets.

**RISE CARR**

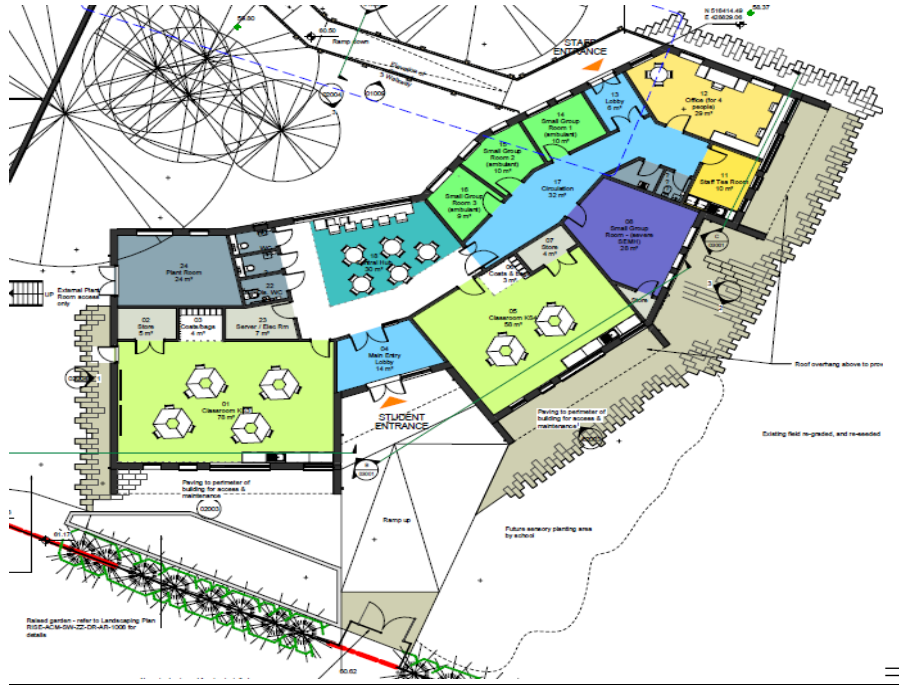
Initial Approved Budget (CP1)	Increase to Initial Approved Budget	Current Approved Project Budget	Project Expected Out Turn Cost	Variance (%)	Variance (Value)
£1,526,920	£989,648	£2,516,568	£2,488,720	-1.1%	-£27,848

- The increase in budget for Rise Carr was to cover planning and listed building requirements and subsequent design changes, condition works to the existing building roofs and windows. An internal refurbishment identified by the school to allow all three services to work together and a Covid 19 risk fund to cover potential delays on site.

**Quality**

- In terms of quality, the project has provided high quality SEMH bases with the most recent specifications and in line with current design guidance, to support the continued development for pupils with Social, Emotional and Mental Health (SEMH). Development of the SEMH units has provided an important link in the escalation process for children and young with SEND along with working to reduce the number who eventually progress into specialist provision, often out of area, as these dedicated SEMH's areas have provided Darlington with an additional 16 primary and 19 secondary places.
- Rise Carr's scheme included condition related items to their existing listed building to remove the pressure going forward on the school's repairs and maintenance budget. Large areas of the roofs were replaced or repaired where possible to target existing leaks and bring the building up to current standards. Along with a full window replacement to make the building more energy efficient and the use of a safety- glazing was specified that is in line with the needs of a Pupil Referral Unit.

### Rise Carr – Eldon House SEMH Floor Plan



### Eldon House SEMH Finished Images



**External View**



**Internal Central Hub.**



**Internal Large Classroom.**



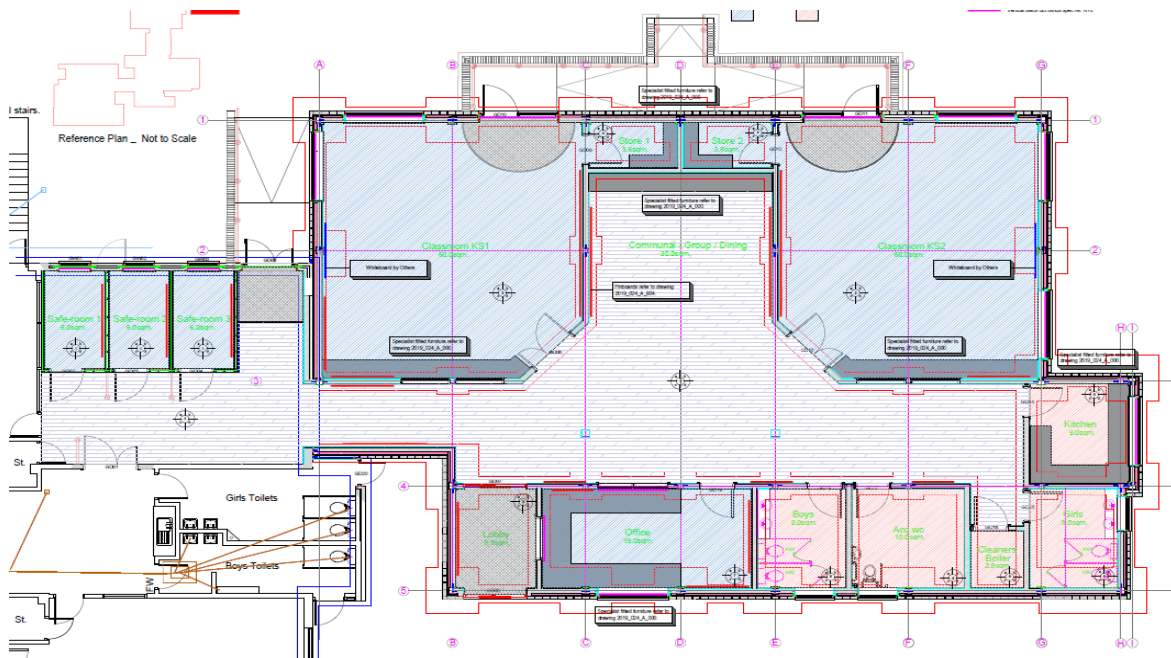


**Small Group Room.**



**Break out Space.**

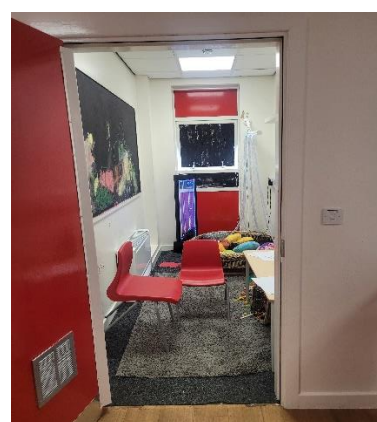
**Red Hall – SEMH Floor Plan**



**Red Hall SEMH Finished Images**



**Classroom**



**Small Group Room**



**Central Hub & Dining Area**



**Resurfacing & Additional Parking Bays.**

**Time**

18. The tables below summarise the projects timelines, both were delayed a full calendar year due to Covid and the additional days are due to the carpark resurfacing works at Red Hall being moved to the October half term to minimize disruption to the school and the landscaping works at Rise Carr being best conducted in the spring of 2022. The dates used in the tables below incapsulate these externals works, but both units opened their provision to pupils in September 2021.

**RED HALL**

**RISE CARR**

Original Planned Project Completion Date (CP1)	Revised Approved Project Completion Date	Anticipated Project Completion Date / Actual Completion Date	Schedule Variation (days)
01-Sep-20	31-Oct-21	31-Oct-21	426

Original Planned Project Completion Date (CP1)	Revised Approved Project Completion Date	Anticipated Project Completion Date / Actual Completion Date	Schedule Variation (days)
01-Sep-20	22-Apr-22	22-Apr-22	599

**Lessons Learned**

19. The Asset Management and Capital Programme Review Board (AM&CPRB or AMG) has specific roles defined in the Council’s Constitution. The Board shall maintain a continuous review of capital planning, management and reporting, with regard to best practice, experience and opportunities for improving the Council’s capital and asset management.

20. The key findings and lessons learned from this project are summarised below:

- (a) Red Hall – The M&E design was quite complex particularly regarding the ventilation as it clashed with the roofing design. The team agreed that the consultant’s designs should be shared with all parties to avoid any future problems.
- (b) Red Hall - The roofing contractor had not performed as well as had been hoped for taking longer than expected on site. Building Services assured the team that in the future more checks, and if necessary, payment penalties could be used to ensure sub-contractors perform as they should.
- (c) Rise Carr - Several return visits had to be made to address the external doors within both buildings. These were all rectified by the sub- contractor and some additional changes were made to try and strengthen them. However, if a more robust design and checking producer had taken place prior to installation this could have been avoided.
- (d) Rise Carr – Due to Covid and the manufacturing delays this caused, along with the changes in the EU port restrictions, the CLT design and manufacturing was accelerated and stored within the UK to save a significant additional cost to the scheme. However, pulling this forward meant that the M&E designs were still being finalised and the sub-contractor appointment process had not taken place. Given this we were unable to get all the installations within the service voids and most of the ICT items had to be surfaced mounted.

## **Procurement**

- 21. It was agreed that the preferred procurement route for the design and construction contracts was to remain in house with Building Design and Building Services. Unfortunately, due to work commitments the design of Rise Carr was sub-contracted out to Aecom via our internal framework.

## **Contract Management**

- 22. In terms of contract management, the main construction contracts were delivered using JCT, any variations encountered during the on-site works phase were dealt with using Compensation Events which in each case were evaluated by the DBC Project Manager.

## **Health & Safety**

- 23. The Principal Designer role for the Rise Carr scheme was delivered externally and the services were provided by Aecom, who were also the lead designer for the scheme. Red Hall was designed internally via Building Design who also provided their own principal designer. There were no reportable accidents during either of the construction phases, and a representative from DBC’s Health and Safety team was present at all progress and site visits.

## **Risk Log**

24. The risk logs for both schemes were regularly reviewed, the most significant changes came in mid-2020 as both logs were updated to add in covid related items such as delays due to manufacturing lead in time and sub-contractors having to isolate, both came with a potential time and cost impact, so as a precaution an additional risk fund was agreed by cabinet in June 2020.

### **Communications**

25. The communications strategy for the scheme was low key as both developments were new services that had self-contained compounds. Local residents, Councillors, staff, and parents of each school were contacted before and during the construction phase to inform them of the works and any alternative access routes.

**CABINET**  
**7 NOVEMBER 2023**

## SCHEDULE OF TRANSACTIONS

**Responsible Cabinet Member – Councillor Mandy Porter**  
**Resources Portfolio**

**Responsible Director – Ian Williams**  
**Chief Executive**

## SUMMARY REPORT

### Purpose of the Report

- To consider and to seek approval of the terms negotiated in respect of the Schedule of Transactions as set out below.

TRANSACTION	PURPOSE OF TRANSACTION	MINUTE REF
<b>LEASE-IN</b> 31 Lapwing Drive	Lease of residential property for the Leaving Care Team to house young people in suitable accommodation in order to develop independent living skills.	None
Otley Terrace Bridge	Lease of part of Otley Terrace Bridge from Network Rail to connect with land at either side already acquired from Network Rail for the purpose of laying private railway sidings from the new Bonomi Way shed to the 1861 shed and connection with the live Bishop Auckland branch line for the Rail Heritage Quarter Scheme.	C94(6)(d)/Jan 2020
Vane House	Renewal of lease for the Visual Impairment Service	None.
<b>LEASE OUT</b> 1861 Shed	Lease of the northern half (approximately) of the 1861 Shed to Darlington Railway Preservation Society.	C94(6)(d)/Jan 2020
Bonomi Way Shed	Lease of Bonomi Way Shed to the A1 Trust	C94(6)(d)/Jan 2020
Land at Westmoor Road	Lease of former stables site to Groundworks for a horticultural nursery to grow on whips/saplings to supply the Darlington Tree Project.	None.
Whinfield Primary School	Lease of the school to the Education Village Academy Trust under the Academies Act.	None.
<b>LICENCE</b> 1861 Shed	Licence for shared use of southern half (approximately) of 1861 shed to the North Eastern Locomotive Preservation Group	C94(6)(d)/Jan 2020

## Summary

2. It is necessary for Cabinet to approve terms negotiated by the officers within the Chief Executive and Economic Growth Group on behalf of the Council to enable contractually binding contracts to be completed. The Part III **Appendix 1** details the terms negotiated for consideration and approval.

## Recommendation

3. It is recommended that the schedule (Appendix 1) be approved, and the transactions completed on the terms and conditions detailed therein.

## Reasons

4. Terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

**Ian Williams**  
**Chief Executive**

## Background Papers

No background papers were used in the preparation of this report.

Guy Metcalfe : Extension 6725

S17 Crime and Disorder	This report has no implications for Crime & Disorder
Health and Wellbeing	There are no issues relating to Health & Wellbeing which this report needs to address
Carbon Impact and Climate Change	There are no impacts
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	The impact of the report on any individual Ward is considered to be minimal
Groups Affected	The impact of the report on any Group is considered to be minimal
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	Growing the local Economy, encouraging new investment in the Borough and maximising employment opportunities
Efficiency	The terms set out in the Schedule of Transactions appended to this report are considered to be in the Council's best interest and ensure the Council's business is conducted efficiently
Impact on Looked After Children and Care Leavers	There are no issues in relation to Looked After Children and Care Leavers

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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